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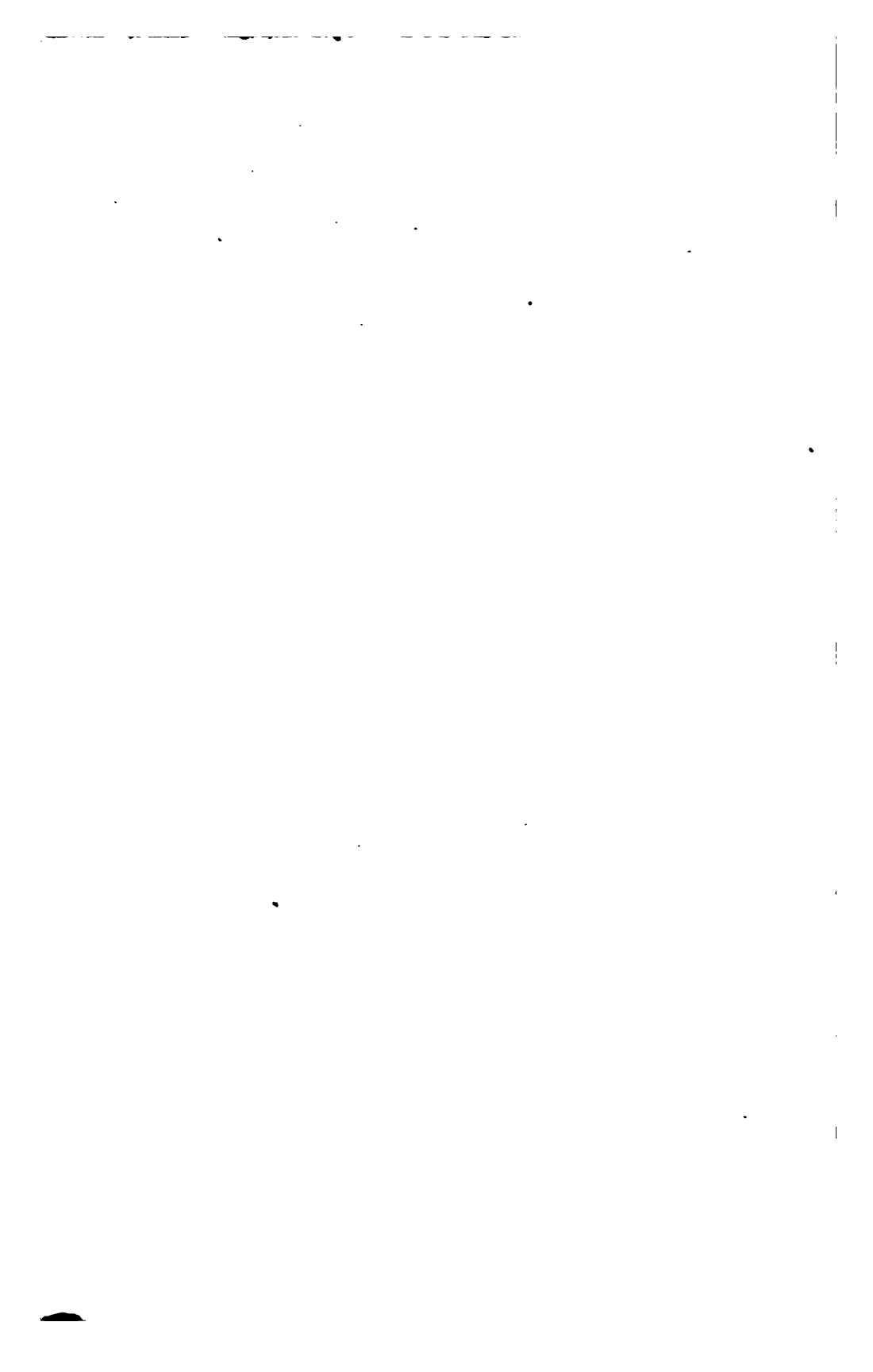
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With kindest friendly regards  
D. M. M. Green

JSN

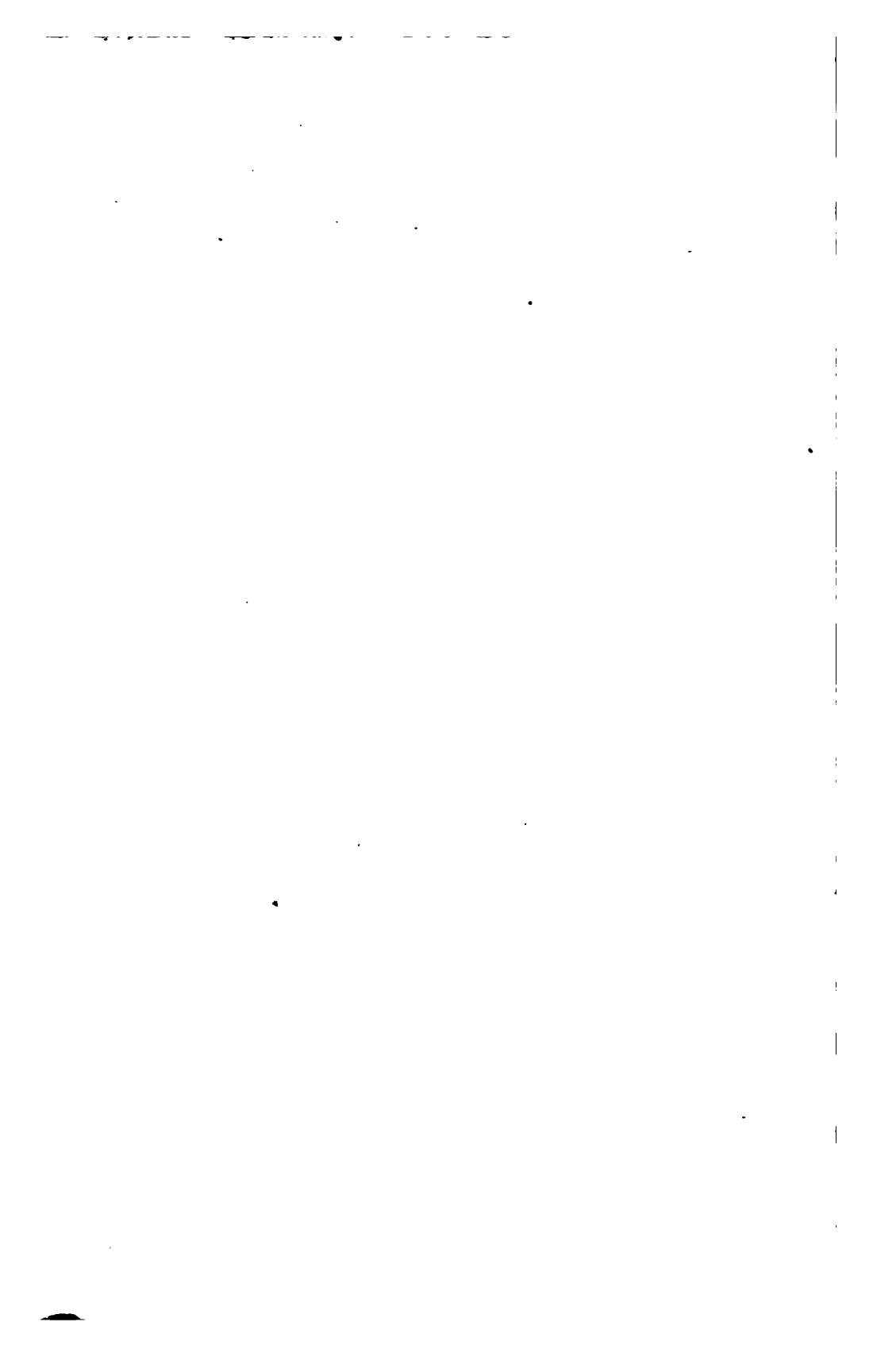
LJD

XTH

335 Clapham Place

London S. W.

13 Feb 1879



With kindest & friendly regards  
D. M. M. Green

JSN

LJD

XTH

335 Clapham Place

London S. W.

13 Feb 1879



To R. J. A. Morrison L. L. D.  
from Robert Black.

1912 . 12 aug. THE HISTORY  
*Sanitary History*

OF THE

LITIGATION AND LEGISLATION

RESPECTING

PRESBYTERIAN CHAPELS AND CHARITIES

IN

ENGLAND AND IRELAND

BETWEEN 1816 AND 1849

*written with*  
BY T. S. JAMES.

LONDON: HAMILTON ADAMS & Co.

BIRMINGHAM: HUDSON & SON.

MDCCCLXVII.

"Progression, though slow, being uniform, the reign of George the Second might not disadvantageously be compared for the real happiness of the community with that more brilliant, but uncertain and oscillatory condition which has ensued (Hallam, *Const. History*, ii, 464). This is the aspect which that period of history wears to the political philosopher. The historian of moral and religious progress on the other hand, is under the necessity of depicting the same period as one of decay of religion, licentiousness of morals, public corruption, profaneness of language — a day of 'rebuke and blasphemy.' Even those who look with suspicion on the contemporary complaints from the Jacobite clergy of 'decay of religion' will not hesitate to say that it was an age destitute of depth or earnestness; an age whose poetry was without romance, whose philosophy was without insight, and whose public men were without character; an age of 'light without love,' whose very merits were of the 'earth earthy.' In their estimate the followers of Mill and Carlyle will agree with those of Dr. Newman."

"Tendencies of Religious Thought in England, 1688-1750," by the Rev. Mark Patteson, B.D., Rector of Lincoln College, Oxford. "Essays and Reviews."

## PREFACE.

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THIS volume contains an account of suits in English and Irish Courts of Equity, by which chapels and religious charities were recovered from the control of trustees not holding the Trinitarian faith of the founders; of the passing of an Act of Parliament which, by limiting the time for filing informations so far as congregational properties and endowments were concerned, rendered inoperative in other cases the rule which had been recognized in those suits; and of a secondary suit to determine the proper objects of a fund, which one of the extinct body of English Presbyterians had settled in 1704 for the benefit of Dissenters generally, and which had been previously at the disposal of Anti-Trinitarians. This litigation and legislation not only at the time deeply interested the Nonconformist bodies affected by them, but will be of importance as long as there remain in England any places of worship or religious charities not connected with the Establishment; for the decisions were, with the exception of a Scotch case, altogether *sui generis*, decided by the House of Lords, the first enunciation of the law on the subject; and the doings of the Parliament may furnish a guide in the attack or defence of other endowments. All property devoted to the support of religion must necessarily be in the power of Parliament, and it is well that it should not be forgotten how that power was exercised in the case of the old Presbyterian chapels.

The judgments of the courts are scattered through several volumes, some of which are to be found only in public libraries, or are best reported in pamphlets or ephemeral publications not to be met with even there. Two of the suits, and those not the least important ones, did not come to a hearing; the particulars of the one have been obtained from the pleadings and evidence, but only slight *ex parte* notices have been obtained of the other.

A full account of what took place in both Houses with reference to the Act, with copies of the chief documents relating to it, was published at the time by the party which it rendered

triumphant, but books of that kind soon perish, and while extant are rarely to be seen out of the circle for which they are written.

It has therefore been determined to publish a condensed account of the cases and debates, that aftertimes may possess in a single volume the means of judging of the contest, and the manner in which it was brought to a close.

There is a peculiar fitness in this publication at the present time. The English Unitarians are fast discarding all that is supernatural in religion, even the mission and resurrection of Christ; and as the doctrines now heard from their pulpits are not such as were preached from them twenty years ago, it may be considered that the act of 1844 has ceased to preserve the old meeting-houses from informations claiming them for Trinitarian worship. Nor are the lessons taught by the first half of the eighteenth century without instruction for the Independents of the present day, for there are among them in some quarters symptoms of a departure from the old Calvinistic faith, which, in all Reformed communions, has ever proved the first step to an abandonment of all Evangelical doctrines, for with such Arminianism has proved only a resting place on the road to Socinianism. But unwarranted suspicions of unsoundness in George the Second's time drove many a minister from the fellowship of the orthodox, and many a chapel has been recovered by bearing with an old minister's shortcomings.

The subjects we have to treat of naturally range themselves in four divisions. 1. Two English cases between Independents and Socinians: A.G. v. Pearson relating to the Wolverhampton chapel, and A.G. v. Shore relating to the Hewley charity. 2. Four Irish cases between the orthodox and heterodox Presbyterians: Dill v. Watson relating to the Clough Chapel, Anderson v. Watson relating to the Killinchy Chapel, A.G. v. Drummond relating to the Dublin General Fund, and A.G. v. Hutton relating to Eustace Street Chapel Dublin, with a notice of the suit relating to Strand Street Chapel Dublin. 3. The proceedings connected with the passing of the Act. 4. The suit A.G. v. Wilson between Independents in behalf of themselves and the Baptists, as the English denominations of Lady Hewley's times, against Scotch Presbyterians, then Kirkmen and Seceders, now the Presbyterian Church in England, and the United Presbyterian Church.

The first second and third divisions are all preceded by an historical introduction, giving an account of Presbyterianism



(English, Irish, or Scotch, according to the subject) sufficient to enable the reader to understand the suits, and are followed by remarks on the judgments or their results. The third division commences with a statement of the law as it stood before the Act, and closes with observations on the doings in Parliament, and an explanation of the course which it is submitted ought to have been pursued in respect to the old meeting-houses.

It is trusted that the order adopted will facilitate the perusal of the volume, and still more reference to it, but as there are no chapters, chapter headings, running titles or marginal titles, a full table of contents, having the leading subjects indicated by capitals, and a minute index of subjects, as well as names, have been given; but names occurring only in lists, unless otherwise noticed, will not be found in the Index.

There is a very long Appendix, containing quotations not known in time for their appearance in the text, or best placed by themselves, because relied on in answer to both classes of opponents; copies of documents which it is necessary to give, but which would have broken in upon an argument or narrative; and lists of ministers in the early part of the last century, comprising the chief actors in the times with which we have to do.

In the suits comprised in the first and second divisions, the chief points in the contest were the doctrinal opinions of the English and Irish Presbyterians between 1688 and 1720; the plaintiffs or relators asserting, and the defendants denying, that they considered Trinitarianism an essential tenet of Christianity. In *Dill v. Watson*, *Anderson v. Watson*, and *A.G. v. Wilson*, the system of Church government and discipline practised by the same parties also came into dispute. The Independents and the English Socinians held that the English Presbyterians after the Revolution had no one characteristic of real Presbyterians, but were congregational, though they did not adopt the system of the Independents. The Irish Arians contended that the Presbyterians of the North of Ireland were only nominally subject to local presbyteries, and were independent of all interference by any synodical assembly, their assertions being descriptive of a real, though disguised, congregationalism. The Scotchmen contended that the English Presbyterians, from their first existence until after the year 1719 or 1720, were strict and regular Presbyterians of the Scotch model; and the orthodox Presbyterians of Ireland, that the Synod of Ulster had all along

been such, and that this was proved by its synodical acts, or as we should call them resolutions.

The Independents had thus the singular fortune that their allegations as to the English Presbyterians were corroborated by their opponents in both particulars of doctrine and church government, one party agreeing with one half of their statement, and the other party agreeing with the other half of it. The Independents were themselves the subjects of contradictory charges, the Socinians under the mistaken notion of their being subscribers, (i.e., subscriptionists), reproaching them with imposing on all whom they admitted to their fellowship the dogmas of a past age; and the true Presbyterians, because the Independents were not subscriptionists, asserting that they had no fixed belief, but received as members of their body persons of all opinions indifferently. Such mutually destructive claims, and such contradictory accusations against the same parties must, it is thought, when brought together in one volume, refute and neutralize each other.

A third point will be found underlying the arguments in all the suits though, in law phrase, it was not one of the issues raised. The Socinians and the Scotch Presbyterians agreed that a denomination, by the non-use of creeds (non-subscription as it was called) showed indifference to the doctrines which it professed. The Independents agreed with the Socinians in being themselves a non-subscribing body, and in asserting that the English Presbyterians were so also; but the reason for their objecting to the use of any formula was their anxiety to preserve their faith in purity and energy.

These questions were certainly alien to those which usually demand the attention of the Judges, but the manner in which they were discussed in all the Courts except the highest, may convince every reader of the perfect competency of our tribunals to decide any suit relating to adherence or non-adherence either to a theological standard or to a traditionary system of doctrine. This is a matter of great importance to Nonconformists, as notwithstanding any forum of their own which they may set up, all disputes as to doctrine arising among them may, as affecting property or the duties of trustees, come to be decided in Westminster Hall. Nor is there any hardship in this, for difficulties in the Establishment are brought before Courts, the Judges of which are laymen, although, with the exception of the

Court of Appeal, they are called Spiritual Courts. In all these cases alike it is better to have questions as to the doctrines of individuals decided by men whose lives have been devoted to judicial enquiries, rather than by the soundest and clearest divines; for in none of these cases is theological truth the object aimed at, but the Judges decide in conformity with some standard of orthodoxy by which the parties are bound, ascertaining agreement or disagreement with that as a matter of fact only.

The proceedings in the House of Lords sitting as the Final Court of Appeal, on the contrary, read like a caricature of English justice. Although the questions put to the Judges embraced all the points in the case, the law lords did not bestow one word on the merits, and they did not even decide all the points as to evidence, or rather as to construction, which the Judges disagreed on after\* having three years to consider them. If the appeal had been to the Judicial Committee of the Privy Council, they would have decided all doubts presented to them, so as to guide the inferior courts in disposing of, and counsel in advising upon, the many causes which were stated to be awaiting the issue of that relating to the Hewley charity. It would have disgusted a stranger with English methods of procedure to see reserved for the final appeal the objection to almost all the evidence in the cause, after in the Courts below it had been relied on as the foundation of the decree; but most of all would he have wondered to see the rules of construction and evidence discussed by nearly all the Common Law Judges, as if they were observed for their own sakes only, as a transcendental method of reasoning to be carried on for its own inherent worthiness, without reference to

\* It was decided that persons peculiarly conversant with ecclesiastical history should not give the courts the benefit of their knowledge, on the ground that the Judges must be supposed to have that knowledge already, or to be able to acquire it at pleasure. The consequence is that they must either glean their information of that description from the culled and perhaps garbled quotations with which counsel are crammed for the occasion, or from their private reading, which, on subjects new to them, will be most likely equally one-sided and subject to accident or misdirection. It would be much better to obtain the evidence of men having devoted themselves to that particular branch of learning, who would know that misrepresentation or concealment would destroy their reputation as authorities in their own peculiar provinces of knowledge. Experts as to handwriting are allowed, though they give only their own opinions, in cross-examination at any rate, as they would refer to books or documents which might be referred to in contradiction of their evidence if wrong. Professor Campbell detailed the volumes which he had mastered in respect to the subject, as if to frighten the Court into deference to his opinions, under the penalty of reading all that he had read.

the discovery of truth or the securing justice, and as if words, not the notions conveyed by them, were the realities of lawyers. Mr Justice Coleridge alone declared that old rules, when applied to matters to which they were inapplicable, must be expanded and modified until they subserved the purposes of ascertaining the facts to be discovered, and the rights to be enforced.

When we come to what was done in the legislature,\* we make the appalling discovery that law lords, as law makers, not only shake off the technicalities of their courts, but the notions of right and conscience which they know they must observe there. Those who supported the bill carried the vote of their House by assertions and reasonings which they had themselves rejected and exposed as false and fallacious. The Chancellor misrepresented the decision in the *Hewley* case, forgetting the point of it, and grossly exaggerating details which he entered into. He even insinuated a doubt of its correctness, even when he had himself confirmed it, and joined in a second confirmation of it, and had volunteered the remark that he saw little difficulty in it. Although the Vice-Chancellor, Lord Lyndhurst, Lord Brougham, Lord Cottenham, seven English Common Law Judges, the Chancellor of Ireland, and three Judges of the Irish Exchequer, (who were conversant with Equity as well as Common Law, as was also Mr Baron Alderson of the English Exchequer), had all agreed on the law laid down, and although Mr Justice Maule, who stood alone in opposing it, rested his dissent upon the narrowest rule of construction, such as in common life would never have been followed or endured, Sir William Follett had the effrontery to assert that all the lawyers (meaning no doubt the law lords) supported the bill, not because they felt that a period of limitation was proper, but because they thought that the decision in the *Hewley* case was wrong. These statements of the Chancellor and Attorney-General seem to evince a consciousness that if the judgment was right, the Bill was not justified by principle. The Premier supported it only by assertions which were the exact opposite of the facts, not only as to the opinions of the builders of the old chapels, but even as to the nature of the recent suits. Every stage of the Bill in each House was equally signalized by some new trick or deception on the part of its noble, right honourable,

\* The reader is particularly requested to observe that all the remarks on parliamentary matters are founded on the volume of the debates already mentioned, which was published by the Socinian party in commemoration of its triumph.

or honourable supporters, and by some disaster or mismanagement on the part of its opponents, who seem to have acted throughout without any plan or mutual understanding. It was read a second time in the Lords without opposition, and the single division upon it there, before it was sent down to the lower House, showed a minority of nine, and yet the rule which it laid down so plainly admitted the iniquity which it worked, that the House of Commons agreed to the second reading only on condition of the government proposing in committee a more decent method of accomplishing the end proposed.

That all parties might be left without excuse, the Chancellor had promised the Moderator of the Synod of Ulster that the whole subject should be investigated by a select committee of the Lords, and he seems to have suggested that course after bringing in the Bill, but to have immediately abandoned it, evidently because it was certain to be fatal to the scheme, and he managed instead that there should be a committee, authorized only to consider whether the measure should extend to Ireland. Sir Robert Peel knew that while such a committee should have considered the general question, yet that enquiry into each single case by a commission was also necessary, for he had himself previously urged the adoption of that course with regard to Ireland. Instead of acting on the principles which they had thus recognized, these heads of the government and of the law intimated they would fain, if they dared, have made the Bill apply to cases in which Trinitarian doctrines had been most carefully and clearly prescribed by the trust deeds. They no doubt saw that to restrict it to a particular class of foundations was virtually to admit that it was not founded on principle, but brought in only to serve a turn. Most persons will consider that this disregard of founders' intentions evinced by the authors of the Bill, deprives their opinions with respect to it of all authority.

The period of limitation was determined for the same reason, and it is in most disgraceful contrast with that which applies to property of the Establishment, while reason would have enjoined the inverse treatment of the two cases. But any limitation would have been a mockery of all right until a cheap and speedy method of procedure in such matters had been established by Parliament, and had been in operation for the selected period of twenty-five years.

The hypocrisy and insult of speaking of the Bill as not intended

to affect Presbyterian chapels alone, and as a benefit to any other Dissenters than the Socinians, was utterly inconsistent with all the reasons by which it was supported, which were all founded on the vagueness which it was asserted (altogether wrongly) characterised the trust deeds of the Presbyterians as distinguished from those of other denominations.

The pretext for all this wrong was the scandal and uncertainty of the litigation which had taken place; but the litigation had done away with all uncertainty, and the only scandal was that which attached to the Bill, and its reception by the Parliament, as was shown by most of the speeches in its favour.

The best commentary on the act is afforded by the following cases. It has secured £100 a year of the Dublin Fund to promote not Arianism but Socinianism, in Strand Street Chapel, Dublin, which yearly sum Sir Edward Sugden had excepted from the rest of the General Fund, to be dealt with in the suit respecting that chapel, which had then been instituted, and was stopped by the act. The rest of that fund was secured to Trinitarians, among other evidence, by the following extract from the address or prospectus upon which it was founded.

“All possible precaution will be used to secure the application of the fund to the uses for which it is designed, the remote suspicion or a bare possibility of this fund falling into other hands, or being misapplied, should not discourage any pious donors, and the wisest of men has cautioned us against delaying our present duty from a bare suspicion about future events by telling us that ‘he that observeth the winds shall never sow, and he that regardeth the clouds shall not reap.’ If what is thus barely possible should ever happen after the best precautions used, it will not lessen the present acceptance or future reward of the pious donors. Do not be apprehensive of this fund being perverted from its purpose, for we will use all human means to keep the funds in the right channel. A trust must be reposed somewhere, in all charitable gifts, and no donor can easily propose greater security for the honesty and fidelity of the trustees than what this scheme affords.” There can be no mistake in seeing in Socinianism, the worst of all the evils which these founders, the men who prosecuted Emlyn, could have feared as possible to befall the fund which they created.

Mr Lowton, of the Eustace Street congregation, left his property to maintain “a gospel minister of the Presbyterian

persuasion to preach the Gospel to the Presbyterian congregation, whereof he was a member, and to instruct them and their successors for ever in the true principles of the Christian religion, and he implored his trustees to discharge their trust as became Christians and lovers of Christ and his church." Similar expressions were, in the Hewley case, held sufficient to denote Puritan opinions, but Lord St. Leonards felt himself compelled to decide that the act rendered such expressions of no avail in construing gifts after it came into operation. Both these cases, if the act had not been drawn with special reference to the Dublin chapel cases, would have been left to be dealt with in suits already instituted.

Surely it is not illiberal to speculate as to the notions of honour and honesty entertained by trustees who can apply any part of the General Fund, or of Lowton's endowments, to the support of Anti-Trinitarian doctrines, or could first defend suits instituted by men of the founders' opinions, to secure the application of their gifts according to their intentions; and when defeated in those suits, deceive the government and the Parliament into the belief that the Dublin chapels and their endowments were being perverted by legal technicalities from the purposes to which they were originally devoted. Yet the hardship of depriving Unitarians of these two chapels, and the charities and endowments connected with them, was the argument which told upon both Houses, and the facts are so misunderstood in England that, to this day, there may be found there the traces of the notion that the general cause was injured by the claim made to the Eustace Street and Strand Street chapels.

The reader may expect to know whether any new document, fact, or argument, is brought forward in this volume. This is not pretended, but some matters are urged which, though set in their proper light by previous publications, especially those of Mr Joshua Wilson, were not fully stated to the Courts or to Parliament.

First of all should be mentioned the associations of Presbyterians and Independents which were formed throughout England in 1691 or 1692, in imitation of the London Union, and remained in full operation until dissolved on the prevalence of Arianism among the Presbyterians, that is, long after the death of Lady Hewley, and the close of the chapel-building period. Yet down to Mr Gladstone's speech and the answers on the A.G.

v. Wilson, the dissolution in 1695 of the London Union, which was owing to a local quarrel, was on all occasions insisted on by the opponents of the Independents as showing the irreconcilable difference between the two denominations, while the permanence of the country associations was altogether passed over, no doubt in utter ignorance of their ever having existed.

In no other book is there to be found so complete an account of the facts connected with the Salters' Hall Assembly. Mr Gladstone and the defendants in both the suits connected with the Hewley charity gave most erroneous and contradictory accounts of the vote of the ministers who met there.

In no other publication is there brought together the pith of the various authoritative statements put forth by the parties whose opinions are here controverted, viz., the answers in all the suits; the case on the appeal as to the Hewley charity; the signed reasons for the same appeal, and for the one as to the Dublin General Fund; the Historical Proofs and Illustrations; the memorial which induced Sir Robert Peel's government to endow the heterodox parties in England and Ireland with Trinitarian foundations; the petitions in which the various parties stated their claims to Parliament; and the protest of Bishop Phillpotts, which appropriately closes the series.

The exact words of all the parties whom this volume opposes are given so fully and fairly, that it is very likely persons agreeing with them will say that the method here adopted is suicidal, and that the opponents' cases have been given but not answered.\* That risk is willingly encountered in consideration of the advantages secured by letting Trinitarian and Congregational readers see for themselves the most that their antagonists could (not prove but) say in support of their claims. The remarks of the Judges, other than Mr Justice Maule, which are all on the side advocated here of the various questions which arose, the quotations given (chiefly from Mr Joshua Wilson's treatise), and the documents printed in the Appendix supply all deficiencies in the

\* The small type in the text is reserved for pleadings, the acts of the Synod, and quotations made by the party for the time opposed except that at pp. 43-44, extracts cited in the Proofs are employed for the author's purposes. Other quotations by the author are in large type in the text, or are to be found in the notes. The reader bearing these directions in mind can, on opening a page, tell on which side a book is quoted. Another rule has been observed: a series of extracts have no other quotation in like type between them, though they may be interrupted by comments in large type; so that by turning over the leaves they may be read continually.



author's arguments. It is not known that any writer on the Trinitarian side, unless it may be in a newspaper or magazine, has published in England any detailed remarks on the kindred stratagems of reserving in the *A.G. v. Shore* the objections to the evidence till the final appeal, and of insisting in the *A.G. v. Drummond* at the same stage for the first time, on the original illegality of the General Fund;\* or on the deceptions by which Sir Robert Peel's government blinded the members of both Houses as to the subject on which they were legislating, and the effect of their votes, or on the absurd and iniquitous provisions of the act; particularly the clause (altogether without precedent in a Bill relating to property) defeating pending suits; or on the still greater irregularity of a Judge deferring judgment to allow an appeal to the legislature from the unanimous decision of all the Chancellors and ex-Chancellors, and the House of Lords.

Nor, except in Mr Simons's Reports and the newspapers, has any account been printed of the *A.G. v. Wilson*, which raised the question whether the English Presbyterians after the Revolution maintained a really Presbyterian form of church government and method of discipline. The same contest was carried on in the Master's Office in the *A.G. v. Shore* by affidavits, published as mentioned at p. 578, but they were superseded by the answers in the subsequent suit, and the examinations of six carefully selected witnesses. The Vice-Chancellor decided only that the Presbyterian defendants in that suit belonged to Scotch denominations which were not entitled to receive any benefit from the charity, as it was founded for the support of English Dissenters; and Lord Cottenham avoided deciding any point by compelling a compromise of the suit. The question will probably never receive a judicial solution, and this gives additional importance and interest to the case made out by the Scotchmen in this suit, when they were fighting for a great booty, with a certainty of having their costs paid. Their answers alleged that English Presbyterianism was identical with Scotch Presbyterianism, but their evidence consisted only of the assertions of the witnesses, unsupported by fact or authority, and quotations from Independent writers, which

\* When the opinion of Lord Eldon on the Wolverhampton case first showed the Socinians their situation, their outcry was the Independents were resting their proceedings on persecuting statutes; but the Socinians and Arians, when they found themselves losing by the mouth of their counsel, (he was Attorney-General), or by their printed reasons of appeal, set up the right of the Crown to dispose of the Hewley charity and the General Fund, thus putting all the endowments in jeopardy.

proved nothing more than that the parties who brought them forward must have been in sad need of arguments.

The case of *Craigdallie v. Aikman*, which was the first case which established that a chapel must not be used for the support of any other principles than those of the founders, is now first rendered intelligible, not as to the points decided, but as to the position of Mr Jervis's party, who really maintained the opinion of the old Burghers, though by a false step in the Synod they had estopped themselves from excepting (as they otherwise might have done) to the preamble authorized by its vote, and from ousting those who adhered to it. Thus the question, whether the New Light or the Old Light Burghers were entitled to the chapels, was not settled by that suit, as was intended. This explanation is given through the kindness of Mr Wilson, solicitor of Perth, who kindly lent the memorial for Mr Aikman's party, and supplied the key to the difficulty of the case, in the circumstance that Mr Jervis's party in the congregation had, for some party purpose, proposed or supported in the Synod a preamble (or authoritative interpretation of part of their confession) to the same effect as the one which, when carried, they with reason represented to be subversive of this standard in the particular point it related to. Having done this it was not for them to say that persons approving the Synod's preamble lost by doing so all right to the chapel. But in truth both preambles resembled that Russian Ukase which explained a previous one by directing that it should be read with the addition of the word "not" in every sentence containing any direction. The judgment forbidding a Presbyterian chapel to break off from its Synod and become an Independent one, has this collateral effect, it establishes, by parity of reasoning, the converse proposition that a chapel once governed by its own congregation only, cannot legally be subjected to a Presbytery.

The Author is anxious to escape the charge of presumption in undertaking a task of such difficulty and delicacy, and he trusts that a statement of the manner in which he was led step by step to encounter it, will induce a candid, and even kind reception of what he has written. His father was the chief adviser of Mr Benjamin Mander in his suit for recovery of the Wolverhampton chapel, and moreover published a pamphlet in defence of himself and several ministers in his neighbourhood who encouraged that gentleman's proceedings; yet his Autobiography was silent

on the subject, (though, beyond all doubt, from inadvertence only), and that pamphlet was omitted from his Collected Works because no object could be answered by its being reprinted. The present writer felt it therefore requisite to add to the Autobiography a note of sixteen pages, in which he gave particulars of the course of litigation in which Mr Mander was involved, and alluded to the suit as to the Hewley charity, as instituted in imitation of his courage and public spirit, and with all the advantages afforded by the precedent which he established. The Author's interest in the subject being thus shown, he received from one friend a collection of publications connected with the Hewley case, which he was enabled to complete by the kindness of another. Supplied with this additional information, when he had formed the plan of publishing his father's Autobiography with his own notes or additions to it, increased in the length of the remarks and the number of topics noticed, he determined to include in the same volume, as a separate tract, a short account of the litigation for the English Presbyterian chapels and endowments, and an examination more in detail of the main position of the Historical Proofs and Illustrations, that there were no doctrines in Christianity which the English Presbyterians considered as essential to it. With a view to the execution of his purpose, he applied to Mr George Hadfield, member of Parliament for his native town of Sheffield, the chief originator of the Hewley charity suit, for papers and information respecting it. Mr Hadfield replied that the application arrived at a singularly opportune time, for he had lately expressed his desire that the history of the case should be written, and could think of no one to whom to propose the labour but the individual who thus offered to engage in it, and he promised all help in the matter, a promise which he has faithfully performed. This answer from Mr Hadfield, who had "risked a large fortune and spent a small one in the cause," coupled with an offer to share the expense of publishing a volume so certain not to find many purchasers, was not to be resisted. What had been written was then recast, so as to embrace the whole subject, as was necessary in a work which was to be invested with somewhat of authority, as the party's record of the whole contest. At first it was thought it would be sufficient to prepare a report of the English cases fitted for the non-legal public, with such explanations as were necessary for ordinary readers to judge of them, and remarks exposing the

nature and effects of the act. But the Irish suits were put forward in Parliament as the chief reasons for passing the act; and the Irish Judges entered much more fully into the general question than their brethren on the English Bench had done, and the Author, though against his friend's opinion, determined to make his work complete by relating the defensive and offensive warfare in the same cause waged by the orthodox Presbyterians of the sister island. That part of the work being done, it became imperative to show that no valid reasons were adduced in Parliament for arresting the courts in the restoration of property devoted to the support of the Trinitarian faith, as otherwise it would have been easy to destroy the effect of all that had been written by stating that the real merits of the question were first brought out in Parliament, which felt compelled to set aside the narrow and technical reasonings and rulings of the Courts. For the majority in the Commons, after a one-sided debate was so overwhelming as to crush all attempts to rectify the Bill in Committee, except in the one particular in which even the ministry were anxious to change it; and the far abler support which the cause of orthodoxy received in the House of Lords was so utterly ineffective, that when the Bill was sent down to the Lower House only nine peers had voted against it. These circumstances are *prima facie* so conclusive in favour of the Bill, that not to show the hollow and fallacious nature of all the arguments for it, and the tricks and accidents by aid of which it was passed, would have been to let judgment go by default. This rendered necessary a detailed account of all that was done in Parliament; long extracts from the speeches of the ministers, with answers to them; a statement of the law as it previously stood, and the reasons for it; and remarks on the false pretences on which the act was passed, and on the effect of its provisions. It further seemed requisite to show the manner in which the subject ought to have been dealt with. It is not to be supposed that credit is taken for the scheme suggested, as the basis of it will be found in the promises or suggestions of Lord Lyndhurst and Sir Robert Peel, and the notices of amendments given on behalf of the Synod of Ulster. When this also had been accomplished, it was thought that the history of the struggle which the Independents had to sustain, and of one main branch of the controversy, would be incomplete, if the suit with the Scotch Presbyterians were not told at sufficient, though not at equal length.

The result has been a volume so large as to forfeit all chance of being read, except by persons specially desiring full information on the subject. Yet every method of condensation short of reducing what had been written to a mere string of quotations, has been adopted. To have further abridged the remarks of the Judges and the speeches in Parliament, would have destroyed the effect of quoting from them at all. The original matter will be found not to exceed a third of the whole volume; and speeches or documents delivered or written on the side of the controversy espoused in these pages have not been cited at greater length than 18 pages (381 to 387, and 785 to 795), notwithstanding the length to which the arguments of contemporary opponents have been copied.

The original plan, and the request under which it was modified, equally led the Author to dwell on the controversy, chiefly as it affected matters in England; but as the paramount question was settled in the English suits, the account of them, and remarks introductory and explanatory of it, must in any case have formed the staple of the book, while as to the Irish branch of the subject, it was not necessary to do more than defend the orthodoxy of the founders of the Presbytery of Antrim equally against their own spiritual descendants, as against those of the men who expelled them from the Synod, to set out the acts of the Synod in reference to doctrines, and give a short historical sketch of a state of things so different from that which prevails either in England or Scotland. This done, the case of the orthodox party seems placed above all cavil, for the title of their antagonists being disproved, their own right arose as a consequence. On the contrary, it lay upon the Independents, in order to their success, to prove that the English Presbyterians, though calling themselves by a different name, were identical with Congregationalists, so far as regards the only point important in the present enquiry, the autonomy of their congregations.

The Author has further to say in excuse for his venturing to grapple with a subject which demanded greater acquirements and facilities, theological and legal, than a country attorney can pretend to, that he has come forward (now that abler men have failed in their duty), only to prevent this chapter of ecclesiastical history from remaining altogether unwritten on the side which he considers that of truth and justice. He had the advantage of having

watched the litigation as to the Hewley charity from its commencement, without having been actually engaged in it. When the information was filed he lived in London in habits of intimacy with Mr Wilson, the relator, and Mr Joshua Wilson, and Mr Blower, the solicitor, and his son, then in his father's office. He heard the appeal to Lord Brougham as to the exceptions to the first answer, and after he had left London he was careful to keep himself informed of the course which matters were taking from time to time. The first affair connected with the law which he recollects was the race to Stafford between Mr Mander and Mr Pearson, as described by his father, and this gave him an interest in the old chapels which he never lost. It was strengthened by the remembrance ever warmly cherished in his father's congregation that they represented the old Presbyterians, their predecessors having, in 1746, seceded from the Old Meeting in consequence of the choice of an Arian as successor to Daniel Mattocks, whose evangelical opinions were well known. The Author's other places of residence all conspired to carry back his thoughts to the old state of things. During some months spent at Blandford he attended one of the old meetings which had become semi-Arian and recovered its orthodoxy during the pastorate of Mr Field, whom he heard preach there, and who was the immediate successor of his father-in-law, Malachi Blake, settled in 1716, whose name occurs in Dr. Evans's list, so that his pastorate and Mr Field's connected the end of George the Third's reign with the commencement of the Hanoverian dynasty. The Author afterwards lived in Stourbridge, where he looked from the Independent chapel across the street to the Presbyterian one, the minister of which was a high Arian; in Stafford where the old meeting-house was shut up; near St. Alban's, where he heard the Socinian possession of Matthew Clarke's chapel particularly lamented; at Shrewsbury where the chapel front bore the protest of the majority of the old Presbyterian congregation, overborne in the choice of a minister by Arian trustees; and in London, where he attended Daniel Burgess's and Thomas Bradbury's chapel in New Court, the history of which explained the usual manner of a Presbyterian congregation becoming an Independent one. He acknowledges, therefore, his strong feeling on the subject, but he trusts that it has not betrayed him into any expressions to which exception can reasonably be taken. Rather than incur this charge he has chosen to run the risk that persons of his own views

should accuse him of indifference; if however he has offended against fairness or charity, he regrets it most sincerely, and the more that he will have no opportunity of correcting the fault. Very free remarks are made on men in high place: if just they defend themselves; for if those influential men did wrong, against whom was the wrong done? Two imputations of discourtesy he will anticipate, and defend himself against. He cannot allow that he had any option in using the word Socinian, (Arian seems not to be resented), for in the appeal case the appellants adopted the term themselves. Some of the defendants, and of the witnesses in the A.G. v. Shore, disowned the name Unitarian, and it is not sufficiently specific for the purposes of a disquisition such as this. Presbyterian conveys so wrong a notion that the use of it at least approximates to an offence against truth. Besides Mr Howe's remarks on the use of the word Socinian should protect all other persons from reprehension for employing it. Two other terms used here are *Orthodox*, to include all those who hold opinions which may be described as the common faith of Christendom,\* and *Heterodox*, to designate the very small number of those who differ from those opinions, and aver that there are no doctrines essential to Christianity and distinctive of it. Heterodoxy, as meaning simply the other opinion, has also long been adopted by some at least of the persons to whom it has been applied. These words save from a long periphrasis, and there seem little assumption, and no intolerance, in them, but still they would have been avoided if harmless synonymes existed for them.

Several defects require acknowledgment. The scattered notices of the church government of the English presbyterians should have formed part of the description of them given at the outset; they will for the most part be found where they best support the side of the doctrinal question which is the main subject of the enquiry. The volume in a great degree consists of answers (section by section, or paragraph by paragraph,) to authoritative statements in behalf of the two parties whose claims are contested, and to the speeches by which the government persuaded the parliament to pass the act. The facts and reasonings here adduced are thus presented in a disjointed and fragmentary state, with frequent repetitions, and the accounts of several matters

\* These differences are not as to the nature of the Godhead and original sin, but as to the nature of sin in general, so that they pervade all ideas as to the relations between the Deity and the human race.

are to be found part in one place and part in another ; but on the whole this seemed the most satisfactory method of dealing with the opponents, and the heterodoxy and Presbyterianism of the body cannot have been disproved without showing them to be Calvinistical in their doctrines and congregational in their polity.

The case of *Craigdallie v. Aikman* should have been stated in the text, as an introduction to the litigation detailed here.

Extracts are given from the pleadings in the *Hewley* case to a length which may seem needless, but very few sentences, if any, could have been omitted without danger of misconstruction.

It would have been much better in the *Killinchy* case to have given the extracts from the answer set out in the Appendix, instead of deducing from the evidence the points apparently intended to be made ; for the method adopted in the *Clough* case, which came to a hearing, was not applicable in reference to a suit which was stopped by the defendants' submission. Greater prominence was given to the line of argument indicated by the papers in the last mentioned case, because though not irrelevant, it was not noticed by the judges, and scarcely by the counsel.

The long extracts from the debates were rendered necessary by the contradictory arguments by which the bill was supported.

The abridgment of Dr. Evans's MS. may require to be studied, but it gives more information than the extracts from it to be found elsewhere. The chief defect is the omission, for printer's reasons, of £ or l. as to payments from the fund.

The analysis of the beneficiaries in 1830 of the *Hewley* charity was disjoined from the list only from necessity.

Through oversight the extracts from the MS. of the Anonymous from Northampton, as to the *Salters' Hall* Assembly, have been confined to the sentences at p. 709.

Grateful acknowledgment must be made of the great assistance derived from Dr. Daniel Williams's library ; particularly for the MSS. of the lists compiled by Dr. Evans, and of the classification of the London ministers by an anonymous Independent from Northampton. The rules for the use of the Library are as liberal as they can be, consistently with due care of the books. The same facilities which had been afforded to the Author of the *Historical Proofs and Illustrations* was allowed for the remarks here found in answer to them, and his pencil marks guided to the passages transcribed for him from *Bury's Sermons* and *Bennet's Irenicum*. The kindness and assistance of the Libra-



rian, the Rev. Thomas Hunter, can never be forgotten. The Author is indebted for the list of the Presbyterian Board, in 1727, to the Rev. Dr. Sadler, of Hampstead, and the greater regret is felt that the reference to his chapel has been printed as if it had been in the hands of the Scotch, thus, in modern phrase, ignoring him. The Author's uncle, the Rev. Thomas James, so well known as successively of Woolwich and the Colonial Missionary Society, allowed the opportunity of extracting particulars respecting the formation of the Congregational Board. The warmest thanks are due to Adam John Macrory, Esq., of Duncairn, near Belfast, solicitor to the Synod of Ulster, for the use of pamphlets and briefs, and still more for numerous letters written in spite of the large demands on his time; without his help the part of this volume relating to Ireland would have been a very meagre affair. He was also so good as to read the sheets containing the account of Irish matters, and to allow it to be stated that he considered them fair and impartial; a testimony which was the more highly valued, as great pains had been taken to state truly and fully the arguments of the Arian party because they were gathered from the evidence. It was determined afterwards to add numbers 12 and 13 of the Appendix.

Mr Hadfield's MSS. collections as to Lady Hewley, her property and her charity, supplied all the materials for the remarks with which the suit with the Socinians is introduced, and the statements as to the arrangement made with the Scotchmen, and this seems a fitting place to mention that he has deposited a complete series of all papers connected with both suits in the Library of the Independent College at Manchester.

Messrs. Vizard and Anstice, of Lincoln's-Inn-Fields, have lent papers which greatly assisted in the account of A.G. v. Shore, and A.G. v. Wilson. Messrs. White and Son, of Bedford Row, were also so kind as to supply briefs connected with the last stages of the A.G. v. Pearson. Application as to every suit has been made to head quarters.

A circular requesting information as to the provisions of chapel trust deeds, and historical notices of congregations, was sent to the ministers of all churches in existence before 1750, and the returns showed the correctness of the statements here made as to the trust deeds of Presbyterian and Independent chapels. Other ministers have given assistance of various kinds, for great efforts have been made to secure full and accurate information on

all points discussed; and hearty thanks are here offered to them all. To name them would be very pleasant to the Author, except that he fears he should forget some, and this fear prevents his acknowledging any obligations of this nature, except that he must not pass over the Rev. Dr. Hoppus, and the Rev. Robert Ashton, of London, and the Rev. Richard Slate, of Preston.

Yet with all this assistance the number of errata is out of all proportion to the size of the work, especially in the spelling of names, and is confessed to be occasioned by the bad copy supplied to the printers. Authors generally, no doubt, write better than formerly, and may have spoiled printers; for it used to be said that compositors could decipher any scrawl, but this is not true now; at least those to be found in country printing offices have not the art. An author may be the worst corrector of the press; if to the last revision, instead of being satisfied with what he has written, he thinks of improving both ideas and language, repetitions, omissions, and mistakes will escape him; for when the sentence in the mind is satisfactory, the eye is likely to see the words intended in any others at all resembling them. Perhaps the additions will provoke more than the corrections, but when a book is two years in the press, new facts and illustrations must present themselves, and a man must be strangely indifferent to his work to omit them.

What has been done, with all its imperfections, is offered to the Author's denomination, with regret that it is not more worthy, but still with the hope that the labour bestowed on it has not been altogether in vain; and perhaps the fact that he could not do what he has accomplished without permanent detriment to his health, may ensure a lenient censure of the many faults and imperfections which will be discovered, though indeed they might be expected in the first work of an Author commencing in the decline of life with so difficult a subject.

Communications in correction or corroboration of statements in the following pages are solicited by the Author, as, though there is no probability of his using them in print, they will, if of sufficient importance, be preserved in the Congregational Library. It is well in all such cases that there should be a person for the collection, and a place for the preservation, of those small items of information which together afford the most valuable illustration of every subject.

Birmingham, March, 1867.

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THE Revolution of 1688, among the other advantages which it secured to the British Islands, and the other Englands now scattered over the globe, first gave separatists from the Established Church unlimited liberty to erect places of worship. The last Tudor, and the Stuarts, and the prelates to whom they delegated their power, had prevented dissidents in religion from obtaining legal existence as separate communions; and when toleration of religious, as distinguished from political, parties was secured by the ascendancy of Cromwell, Presbyterian and Congregational ministers, instead of having chapels built for them, were gradually put in possession of national benefices, as vacancies arose on death, or deprivation for opposition to the ruling powers, or for incompetency or immorality. When perfect liberty of conscience, (except for the Romanists), was insisted on by William, the three denominations of protestant dissenters first became distinct and self-supporting communions. There were no churches for them to occupy, and they had to start on their new career by supplying themselves with places of worship. They had built a few during the persecution or on the Indulgence, (two or three of them of wood were tabernacles to serve until a happier age could exchange them for temples,) but for the most part throughout the evil times their assemblies had either been suspended, or had taken place in the open air or private buildings. They came out of the trial however sufficiently numerous to count on the permanence of their communions, and having all to do, they set themselves to do it. They found themselves in the same situation as the first converts of the apostles, with the disadvantage of a northern climate, and greater demands upon them from a more advanced state of society. In no previous age had there been an instance of such a burden being borne by one generation. Of the Protestants of Western Europe the French alone had been like them dissenters from an established church; and they had built temples, (indeed, there had been time for them to be destroyed),

but those temples had been built as they were needed, and were besides confined to particular districts in France. Only one like effort has been witnessed since, and this also has taken place in our own island and, what is still more to us, in our own day. That has been on a grander scale, for the Free Church of Scotland has not only built churches, but endowed them. The English Nonconformists had no example to excite them, and they had not been trained to make free-will offerings to religion, and had just been delivered from being plundered and harassed under the persecuting statutes. The generosity and care for posterity which they evinced under such circumstances should invest with interest the chapels which they founded.

There were a thousand of them ; indeed it has been said two thousand ; but any person who endeavours to identify them, or the chapels which have replaced them, or to give an account of their disappearance, will find his task quite sufficient if he is content with the smaller number. It is generally admitted that at least two thirds of them were built by the Presbyterians. Some of those in London were held for leases which have expired ; others, in various places, have been abandoned by their congregations for larger chapels. Many of them, situate in villages, have been taken down, on failure of their congregations, or the falling off to the Establishment of the gentry who supported them, and all traces of them have perished. Scotch Presbyterians are in possession of about forty of them, through their congregations or ministers having, (long after they were built,) become connected with a Presbytery. Two or three of these are held by "the Synod of the Church of Scotland in England," and the remainder are nearly equally divided between "the United Presbyterian Church" and "the Presbyterian Church in England." All these three bodies will here be called Scotch Presbyterians, though two of them, coming into existence while litigation was in progress, unfilially sunk all allusion in their names to Scotland, while it remained in doubt whether the Court of Chancery would, with regard to our English charities, acknowledge the Union of the ancient kingdoms divided by religion and the Tweed. About one hundred and fifty are in the hands of Socinians. All others which are now in existence as chapels may be taken to be occupied by Independents. If the Baptists have any, which they may have as the history of some of their old places is obscure to strangers, they must be very few indeed.

Thus three denominations claim each to be the nearest in succession to the English Presbyterians, the Independents, the Socinians, and the Scotch Presbyterians. Further than this the three divisions of these last would seem each to make the claim to the exclusion of the other; at least, the Kirk, while as yet it included the Free Church and its English branch or off-shoot, and the Seceders denied each other's rights.

These pages contain an account by an Independent of proceedings, some by Independents and some by Presbyterians, in which it was decided by the English and Irish Courts of Chancery, and the House of Lords, that Socinians were not entitled to the chapels and charities in question; and also a statement of the manner in which an Act of Parliament was then obtained to confirm Socinians in their possession of all the chapels and chapel endowments not previously recovered from them, with remarks on the effect of its provisions. A short notice is added of the litigation between the Independents and the Kirkmen and the Seceders, as to the appointment of trustees of the Hewley Estates, which constitute the chief charitable foundation of the English Presbyterians, and of the present state and management of that charity.

The controversy and litigation will be best understood by commencing with a summary of the arguments by which the parties supported their claims, and a notice of the principal points in the history, principles, and practices of the English Presbyterians, which bear upon them, and then dwelling at greater length on the main position taken up by the Socinians.

The Independents or Congregationalists say, that the English Dissenters who built the old meeting-houses were Presbyterians only in name: that they held so loosely to any notions of church government that they were willing to join the Episcopal establishment on very slight changes in it, if exception from its rules as to orders were made in favour of their ministers having received Presbyterian ordination. That when they failed in this hope, they became Congregational, their congregations being entirely independent of each other, and united together only as they were united with Independent congregations. That in many places men of both denominations joined in building a chapel, and that many Presbyterian congregations became Independents. That they made no effort whatever in any place to set up a Presbyterian system, but gave up the exclusive spirit and principle of coercion

which formerly led them to disown and attempt to put down the Independents; and adopted in practice many of their opinions and methods, especially their rejection of creeds. That, in fact, the only difference between the bodies was that among Independents all power was vested in the communicants; while with Presbyterians the affairs of the congregation were managed by the trustees or a committee, or the seatholders, who would all, in most cases, be communicants. That the faith of the Presbyterians, the builders of the chapels, was identical with that of the modern Independents, both being, though decided Calvinists, much less rigidly so than the Scotch Presbyterians of the present day, and the first Independents. That while the English Presbyterians kept their old faith, their ministers and those of the Independents without admixture from the other dissenting body the Baptists, throughout almost all parts of the country, certainly in all parts of it in which dissenters were numerous (except in London where local quarrels kept the ministers apart,) had periodical meetings for their government, so far as they could act without their congregations; and they so met and acted as United Brethren, to the exclusion, in each denomination, of any other union or regulation of its ministers among themselves. That under these circumstances, the Independents are to be regarded as the relict, the continuing part, of the two bodies so united by the union of their ministers. That the worshippers in those Independent congregations which are a hundred years old, continue the line of the like-minded descendants of the first Presbyterians, as their ancestors left the old meeting-houses when Arianism took possession of them, either founding a new chapel, or seceding to one which retained the old faith. That it is among the Independents that the memory of the Presbyterians of the revolution is most warmly cherished, and their books most highly prized. That they are the chief readers of Baxter, Howe, and Henry, whom the Socinians would fain represent to be their predecessors. That they have the larger chapel with which they have replaced Oliver Heywood's; and that they still use it for the diffusion of his faith. That though they have not Calamy's, they are the readers of his portraits of the old Confessors, sympathising in all their sentiments, and using the same language whether devotional or doctrinal; that they have allowed few of the meeting-houses which came into their hands to decay without replacement, or to be closed for want of worshippers.



The Socinians, congregational themselves, admit the old Presbyterians were so too, and therefore consider that as they have succeeded to the chapels they do no wrong in retaining the name Presbyterian, as it is as correctly applied to them as it was to their predecessors. They say that the men who gloried in the name of Presbyterians, did not impose on their successors the creed framed for that communion, but in their own day claimed, and supposed they had secured for themselves and their successors, free enquiry and unfettered judgment as to the meaning of God's revelation to man. That the holding aloof or breaking off of the Independent ministers in London from the union, and the manner in which they drove the leading Presbyterians from the Pinner's Hall Lecture, shewed that the latter were then Arminian. That the Presbyterians, by refusing to subscribe the declaration in support of the doctrine of the Trinity at Salter's Hall, proclaimed they had become Arians. That of this body, the sole characteristic of which from the first was that they were free in speculation, and by nature progressive in their opinions, the Socinians are the only natural and consistent representatives, as they admittedly are their successors. That they are also the lineal descendants of the men whose contributions built the chapels and founded the charities. That their intermediate ancestors and themselves have in most cases rebuilt, repaired, or added to the old edifices and their sites; that their dead have been interred in the yards surrounding them from generation to generation, and thus they have in all fairness and conscience made the premises their own, whosoever they were previously, and might otherwise have continued to be. That the Independents have already chapels of their own in the same towns, and can not advantageously occupy any others. That Scotch Presbyterians can not successfully introduce their foreign polity, and their alien habits and notions. That the first act of any new occupants would be to take down the old historic meeting-houses and make the grave-yards the sites of new buildings, most likely mere school-rooms, but at best, so many more Bethesdas, Ebenezers, or Scotch churches; and so all traces of the English Presbyterians, and the sepulchres in which they repose, would be involved in one general destruction. That thus innocent persons, holding by a century's title, would be spoiled of their chapels and family graves, and see them pass into the hands of those who would almost think it a duty, and certainly feel it a triumph, to remove

all that had been connected with heresy; and that this great misery would be inflicted on many persons in every town for a very slight benefit to any one.

The Scotchmen aver that the English Presbyterians were in all things like the men who shared their name beyond the Tweed, holding the same standards of doctrine, government, and discipline, except as the iniquity of the times prevented them from putting forth the full force and vigour of their system. That the Scotch and English Presbyterians, until the latter fell away from the faith through want of perfect organization, kept up an interchange of sympathy, kind offices and ministrations. That in the northern counties of England many of the old meeting-houses are still occupied by congregations in connection with one or other of the Presbyterian churches of Scotland. That the Independents, so far from being the successors of the Presbyterians, were the descendents of their rivals and persecutors. That among Independents any man can receive what they call ordination; that it is or was the act of the church alone, and therefore mere laymen, or men as unlearned, preach among them, while the Scotch system, by prescribing education at a chartered university, and providing for trial of a candidate's ministerial abilities and learning, secures a learned and able ministry, and that the English Presbyterians always asserted this principle as to ordination in opposition to the Independents. That the Independents are not orthodox, and their declaration of faith of 1833, in order to secure its passing, was made so vague that a Socinian may sign it, and that it deviates from the doctrines of the Assembly (and the Savoy Confession also) in other particulars tending to Arminianism. That among the Independents, ministers and laymen have been always in a state of discord and heresy; or if it has been otherwise, they might at any moment have become so for want of subscription to a creed. The Kirkmen add that the English Presbyterians all held that Presbyterianism ought to be upheld by the civil power, as they say it was in England from 1646 to 1660, and that no voluntaries can be their successors.

In the following historical sketch, authorities will rarely be quoted, as the books relied on are those to which any one conversant with the subject will turn as a matter of course. References will be made only to details too long to be inserted here.

Baxter says, that when the Long Parliament first met, it

contained only one avowed Presbyterian, Mr Tate, member for Northampton borough. The body however increased rapidly after the civil war began, and at one time trusted, with the influence which the Westminster Assembly gave them, to carry all before them. The ascendancy of Cromwell and the Independents defeated their projects. Though the parliamentary ordinance of 6th June, 1646, decided that all England should be divided into classes, as presbyteries were called, classes were set up only in London and Lancashire, and they apparently did not assume to be church courts, but pretty much confined themselves to ordinations. The Assembly's Directory contains a confession that Presbyterianism was not really established, as it provided for ordination by an extemporized, self-constituted, *de facto* Presbytery, "in these present exigencies while we cannot have any Presbyteries framed up to their whole power and work." The Committee of Triers had Independents and laymen among its members, and its operations afford conclusive evidence that the classes had no power in the latter days of the Interregnum. Presbyterianism never was the national religion of England. During the Protectorate the national benefices were enjoyed by ministers of all denominations. There were among them very many Presbyterians, but they were chiefly Episcopalians, with some Independents, and a very few Baptists.

What the Presbyterians could not accomplish when they had the civil power on their side during the Commonwealth, they did not attempt when they came out of the persecution with their numbers and their wealth diminished, and their influence in society destroyed. It has been suggested that they delayed organizing presbyteries in hope that the pale of the Church would be enlarged so as to include them; but such a hope, if it had governed their proceedings, would equally have restrained them from building chapels. They no doubt had arrived at the conclusion that Scotch Presbyterianism would not suit Englishmen, and they seem to have given it up without an effort, and for any thing which appears in their writings without regret.

Nor is this surprising when it is recollected that their ministers were ejected from the Establishment, and did not willingly leave it; that most of them would have remained in it, using the Prayer Book, governed by bishops, and legislated for by Parliament, if this had been all that was required of them. It is also

to be recollected that after the spirit of the Establishment had been manifested during the persecution, they were still willing to have returned to it; though they might then have required greater changes than would have been sufficient to have retained them in it on Charles the Second's return. They longed to be established, and would have sacrificed all Presbyterian principles to have secured that advantage. They prized a position in the State, with the Legislature and the Government at their back. They disliked the voluntary system, and would fain have been parish ministers. It is doubtful whether they would have tolerated dissent: it is certain they would have wished it discouraged in every way. It is not asserted that this is true of every individual minister, much less that it is true of their flocks, for dissenting laymen had by the Revolution contracted a dislike to the Anglican church, its priests, and its service, and they would have lost all their advantages by being absorbed into it. The ministers on the other hand, would have been delighted by means of a comprehension to regain the exercise of their ministry in a national church. Happily they were doomed to disappointment. When they renounced the attempt to form presbyteries with jurisdiction and authority, they necessarily adopted, not the system of Congregationalists, yet certainly congregationalism; that is, each congregation managed its own affairs without control. It is idle to speak of men as Presbyterians, who had been willing to become episcopal, and had really become congregational. They must have been almost indifferent as to church government. There is however no ground for charging them with being latitudinarian as to doctrine, and indeed this has not been attempted with regard to the ministers or the laymen of the Revolution.

The Independents of this period on the contrary were rigid and formal in doctrine and discipline, and all their habits and usages. They were never deceived as to Charles the Second; they had no hand in bringing him back; they had no wish to belong to his church; and no one ever thought of getting them back to the Establishment by any change in it. They saw all other parties opposed to their system, and were too jealous for it. Perhaps also their laymen were too suspicious of the ministerial office and character, but they had the experience of sixteen hundred years to warrant caution, if not fear. Their ministers seem to have differed very little from their Presbyterian

brethren, except in the habits of mind induced by the longing to be ministers of a National Established Church. They were a little cautious at first, in deference to their flocks, as to joining Presbyterians in ordinations and clerical meetings, and they were slow to adopt new plans and new notions in religion, for the same reason; and we cannot say, after all that we know now, that their instincts were wrong in this respect. Their churches were no doubt at first entirely democratic, admitting little influence in their ministers; but in one generation, as the spirit of the old Commonwealth's men died out, they seem to have become pretty much what they are. Their methods of worship were exactly the same as those of the Presbyterians, except that they admitted lay preachers, calling them in justification of the practice, "gifted brethren;" but it does not appear they did so otherwise than upon necessity, which would often be occasioned by the small number of their ministers. The differences between the denominations respected church power. With Presbyterians the qualifications for admission to the Lord's Supper were a moral life and the possession of right opinions on religion; or rather, it should be said, freedom from a reputation for wrong sentiments, for a man attending their worship regularly would otherwise be taken to have correct belief and sufficient instruction in religion. The minister, with his elders if he had any, judged of the possession of these qualifications, and admitted or rejected an applicant. These practices exactly agree with the necessary conditions of a National Church, and seem to have been derived either from the Scotch Establishment, or from a time and state of things when it was hoped that Presbyterianism would be the established religion of England. The minister was chosen in many congregations by the Trustees; in others, perhaps in most, by the seatholders or subscribers to the worship, whichever method of providing the necessary funds was adopted. The latter method is now practised by the Socinians, and it may have come down to them from orthodox times. Many difficulties must have attended ascertaining a constituency of subscribers or seatholders, and nothing has been found in print throwing any light upon the matter. It seems most likely that the trustees, being the only permanent and easily ascertainable body, had the real power, but consulted the notables of the congregation, and that the poorer members of it had no voice in the matter. While dissenters remained so depressed in society as they were at the

beginning of the last century, the influence of property would be great, especially in the poorer or smaller congregations, and few Presbyterian congregations were without some influential persons among them. Many congregations committed their affairs to a committee, who would no doubt be nearly the same body as the trustees. Presbyterianism seems to have admitted very little of the democratic spirit, and to have been an hereditary, family sort of an affair. They were whigs in religion, and opposed radicals. A Presbyterian minister once chosen seems to have been almost without check or control.

The Independent churches themselves admitted to their fellowship, and they required credible evidence of real piety. The choice of a minister with them, in almost all cases, devolved upon the church. In some instances the seatholders or subscribers joined in it, but this was a departure from their vital principle, and generally proved fatal to the existence of the church in the end.

These differences, it will occur to every body, were sufficient to keep the two bodies apart. Those who had felt the brotherhood resulting from strictness of admission to fellowship would not be willing to give it up, while those who had not been accustomed to it would not submit to inquisition into their hearts and minds, and would object to a numerous body of different ranks sitting in judgment upon their religious character.

Immediately however that the bodies began working side by side, it occurred to them that with such affinities between them there was a necessity for some method of union between them, not to incorporate them into one body, but to secure them from estrangement, and consequent rivalry and ill feeling, and to enable them to co-operate the better in works of piety and usefulness, and also if need were in self-defence, for the next heir was still a Stuart. Heads of an agreement to that effect between the London ministers were drawn up. It was called the happy union; so that it must have been formed with much manifestation of good feeling, and good augury for the future. The professed object was, that as united brethren they might "meet and consult without the shadow of distinct parties," and that they might "forbear condemning the different practices they expressly allowed for." The stipulation that no churches or their officers should exercise power over any other church seems almost a renunciation of the Presbyterian principle: on the other hand, the root of

the Independent system may be considered ambiguously stated. "In the administration of church power it belongs to the pastor and elders of every particular church, if any such there be, to rule and govern, and to the brotherhood to consent according to the rule of the gospel." The fair construction however of the clause seems to make the consent of the brotherhood referred to a consultative consent, and not one that they are bound to give, and therefore a formal and unmeaning one. If this be so, it describes exactly the proceedings at a church meeting of Independents. Very few indeed are the proposals made at their church meetings which require, nay, which admit of discussion. They may and should be always, and they are almost universally, such and so proposed that the brethren feel that they can do no otherwise than consent to them. The power of the church is surely sufficiently secured where every matter requires their consent.

This proceeding was followed in the country. In Lancashire and Cheshire classes or associations of Presbyterian and Congregational ministers were formed, which continued in full operation until the Independent ministers withdrew on Arianism becoming rife among the Presbyterians. The minute-book of the Lancashire Association is to be found in the Cheetham Library; and that of the Cheshire Association in the vestry of the old meeting-house in Knutsford, the place of its assembling. The Exeter Assembly of Ministers was formed at the same time, and it still continues, but composed entirely of Socinians. Similar unions took place in most parts of England; the West Riding of Yorkshire is perhaps that most to our purpose; but strange to say, Dr. Colton of York does not appear to have joined it; Mr. Hunter suggests that it may not have been reckoned in the West Riding. Mr. Stretton, his friend, was particularly active in forming the Union in London. Cumberland and Westmoreland had an Association of their own; so had Norfolk and Suffolk, and there was one combining several Midland Counties. These Associations were strictly meetings of ministers for conference and mutual recognition and assistance. The Cheshire Association seems to have been consulted with regard to a removal of any of their number from one congregation to another; and to have exercised a general oversight of all the members. They censured Mr. De la Rose's sermon printed in 1721 for its hyper-Calvinism. Mr. Slate, of Preston, the Editor of Oliver Heywood's Works, has stated that he had authority for saying that Matthew Henry, as

one of his last acts in Cheshire, joined in expelling a minister for Arianism. This expulsion must have been from the Association, as no Presbyterian congregation in Cheshire after the commencement of the eighteenth century ever permitted any jurisdiction over its affairs. But with regard to its members, this Association seems to have been very vigorous, and to have censured them, or suspended or cancelled their membership for any cause they thought sufficient; and it seems not to have met again upon the old footing after it was found that the ancient strictness could not be maintained. It has been stated that in one of these North-Western Assemblies, long after it became exclusively Socinian, the question was regularly put at the annual meeting, "Do all the brethren remain orthodox?"

The chief business of all or most of these Associations was to regulate Ordinations; and in this they followed the Assembly's Directory, but always without requiring the candidates to sign any articles of faith. Instead of this subscription they required the candidate to state in his own words all cardinal points of doctrine; and the practice was continued by the Arian successors of the old Presbyterians down to Dr. Priestley's time, as he mentions in his sermon at the ordination of the Rev. Mr Field of Warwick. The Scotch church seem at one time to have allowed this method, but they soon insisted on subscription to their standards. In England the service was conducted just as such services are among Independents at the present day; except that before ordination the candidates were examined as to their scholarship and general learning; and they had to deliver a sermon and sustain a disputation. This would have been out of place in Independent ordinations, as the call of the church had previously determined the sufficiency of the gifts of the person to be ordained over them. It appears, however, that in the eighteenth century some Independent students on leaving college underwent an examination as to their learning and preaching talents, which was called "passing trials," and obtained from their examiners a certificate, on the strength of which they presented them to the notice of the churches. This seems a preferable plan to deferring the examination until ordination, as we cannot suppose the ordaining minister would have rejected any minister who had been elected by an influential congregation, and if they did not feel themselves free to do so, the examination, however satisfactory it might chance to prove, would scarcely be



*bona fide*. Dr. Doddridge gives an account of the Independent method of ordination in his day, exactly agreeing with that of the English Presbyterians. It seems that congregational ordination by a church was not practised by more than one generation after the revolution. The churches in the west seem to have required before a minister's ordination that he should obtain a certificate from some members of the Exeter Assembly, but not to have required the judgment of that body collectively. It should be noticed that in these associations, and indeed previously to their formation, Independent and Presbyterian ministers joined in ordination services of Presbyterians and Independents, without distinction. Thus Gamaliel Lloyd, an Independent of Chadkirke, "prayed over" Joseph Mottershed, by whose influence the chapel in Cross Street Manchester, which had been built by Henry Newcome, was lost to the Evangelical faith.

In accordance with this union of their ministers, the two bodies throughout the country not only lived in harmony, but Independent churches or congregations on finding themselves too weak to exist alone, joined in a body a neighbouring Presbyterian congregation. This happened with regard to Matthew Henry's congregation at Chester, and to Francis Tallents's at Shrewsbury.

At the first building of a chapel, if there were both parties in the town, and each was not strong enough to set up its worship, they joined in forming a congregation and building the meeting-house. A junction of this kind was made with Oliver Heywood's congregation in 1672, when Captain Hodgson and Joshua Horton and "the Congregational men present sat down with them."

In all these cases the Independents seem to have kept together in the Presbyterian congregation, and when an Arian minister was settled over it, to have left it together and formed a new Independent church. In the Chester case the junction was in 1708, and the secession in 1768; in the Shrewsbury case the dates were 1741 and 1766. The Northowram congregation became an Independent one, and therefore was preserved to the old faith.

Mr. Heywood was a thorough-going friend of Establishments and Presbyterianism; but excepting Mr. Angier his relative, no friends seem to have shared his labours and his affection more than the old Cromwellian Captain already mentioned, Mr. Jollie of Attercliffe, and Mr. Root, the leading Independents in Yorkshire.

The union in London did not endure four years, being destroyed by a controversy which arose concerning the works

✓ of Dr. Crisp. Dr. Daniel Williams published a protest against many antinomian positions of this despicable writer, upon which he was in his turn assailed in print, as running into heresy in the contrary direction, and derogating from the work of Christ, and impugning the operations of Divine grace. Thus a secondary dispute arose, of which Dr. Williams was the subject, Crisp being forgotten as he deserved to be. The assailants of Dr. Williams were all of them Independents, and they invented hard names, such as semi-socinian and neonomian, for him and his defenders. These last were chiefly Presbyterians, and they in their own defence sought to fix upon their opponents the charge of antinomianism. Each party drew their own inferences from the works they were controverting, and represented these inferences as the opinions of their antagonists. In seven years the strife ceased, and the Doctor could fairly close it by his discourse "Peace with Truth, or an end to Discord;" but the Union had been shattered not to be restored, for another disruption had also taken place. During the contest, Dr. Williams had been compelled to retire from the lectureship at Pinner's Hall, and Dr. Bates, Mr Howe, and Mr Alsop retired with him and founded a new lecture at Salter's Hall. These all ranked as Presbyterians, though Mr Howe's biographer, Mr Rogers, contends that he was more of an Independent. Whether that was so or not, he could not remain with the brethren who took the narrow view of the question. He printed two sermons to stay the contention, and to show each side that the errors of their opponents were not such as to justify the cry of heresy which had been raised, and the evil passions which had been cherished. No expostulations however availed to make the brethren one again. Had their mutual charges been capable of proof, they perhaps might have been admitted, amended, and forgiven: but they were only suspicions of antinomianism on the one hand, and of arminianism on the other. No man easily gives up such suspicions. They are more peculiarly his own than his other notions; they are formed or confirmed by his own observation, and his good opinion of his own foresight is involved in his persisting in them. The Independents prophesied further defections, and such prophetic imputations of heresy tend to verify themselves by disgusting their objects with orthodoxy. It must not however be supposed that all the Presbyterians were on one side, nor all the Independents on the other, as Timothy Cruso, a Presbyterian, filled a vacancy in the Pinner's Hall lecture: but

in the main the Independents rallied round the Pinner's Hall lecturers, and the Presbyterians round those of Salter's Hall.

The chief mark of separation was the formation of the Presbyterian and Independent boards for support of weak congregations in the country. The joining the one or other of these boards by a minister determined which party his congregation was classed with, and in this way as well as by the formation of a church, some Presbyterian churches from time to time became Independents; and on the other hand the Pinner's Hall congregation and perhaps three or four others in England, as those at Dickinfield and in Call Lane, Leeds, may have become Presbyterian, so far as allowing the power of the church to be shared or usurped by the seatholders. The rupture of the union in London seems not to have affected any country association, the controversy being local and personal.

The next question on which parties were formed arose in connection with a more vital point, the Deity of Christ. Not that this was the question on which the division took place, for no London minister as yet denied the old faith on that point; the issue taken was on the propriety of requiring subscription to any human formula of doctrine. It arose thus. The committee of management acting for the united Presbyterian congregations at Exeter, of James's Meeting, Bow Meeting, George's Meeting\*, Castle Lane Meeting, and Little Meeting, after taking into consideration doubts which were entertained of the faith of three of their ministers, determined that they should be requested to preach in defence of "The Eternal Deity of Jesus Christ." It seems they did so, but all people were not satisfied. The matter was then brought before the Exeter Assembly, and it was determined that a declaration should be taken from each member and the Assembly as to the doctrine of the Holy Trinity. Mr Hallett's declaration it seems was regarded as unsatisfactory, though he admitted Christ to be God, and the Holy Ghost to be God, because he gave no explanation. Mr Withers's declaration was more approved, as it was that the Father, Son, and Holy Ghost were one in deity, nature, essence, and substance, with distinction of persons. Mr. Pierce said, "I am not of the opinion of Sabellius, Arius,

\* James's Meeting was so called, because opened in the year of James the Second's Indulgence, and George's, (in order to take a name for another chapel from the Brunswick line), from George the Third, as it was built in the year of his accession. The compliment to each King ended in a most uncereemonious use of his name.

Socinus or Sherlock [as if the last had superseded Athanasius]: I believe there is but one God, and can be no more. I believe the Son and the Holy Ghost to be Divine persons, but subordinate to the Father; and the unity of God is, I think, to be resolved into the Father's being the fountain of the Divinity of the Son and Spirit." Some ministers agreed with Mr Hallett, others used the words of the Assembly's Catechism, adding phrases of their own. Three refused to make any declaration at all, and disowned the authority of any body of men to demand their opinion. At length the clerk entered on the dictation of Mr Lavington, "'Tis the general sense of this Assembly, that there is but one living and true God, and that Father, Son and Holy Ghost are that one God."\* Two months afterwards the Committee again applied to the three ministers, and their answers being unsatisfactory, applied to five London divines, all Presbyterians, Dr. Calamy, Jeremiah Smith, William Tong, Benjamin Robinson, and Thomas Reynolds; they advised that neighbouring ministers should be called in. Seven of these met and advised separation from the three ministers. Mr Withers, however, gave the "requisite satisfaction," as it would seem to the committee. The trustees of all the three chapels then notified to Mr Hallett and Mr Pierce that they would not be permitted to preach again in either of their chapels. Upon this their friends built for them a new meeting, called the Mint Meeting, and seceded to it. The history is worth pursuing shortly. The old meetings continued orthodox till Micaiah Towgood was brought in at James's Meeting by an orthodox cousin, as his assistant. That congregation removed to George's Meeting in 1760, and James's Meeting was taken down. The Mint Meeting was sold in 1810, and the congregation re-joined George's Meeting. The congregation at Bow Meeting, of which Mr Withers and Mr Lavington were ministers, at some time or other became Independent (Castle Lane Meeting was originally so), and removed to Castle Street in 1795. Mr Tozer, Mr Lavington's successor, seems to have been orthodox, yet during the few years of his ministry which elapsed while James's meeting was standing, he preached in all the chapels in rotation. Mr Murch's account is by no means clear on several points.

The five London ministers seem not to have given up the

\* We shall see that this declaration of Lavington's would have rendered him suspected for a Socinian by Scotchmen. Mr Pierce thought differently, and he has had few superiors in acumen, and was himself a high Arian.

matter, although they had advised calling in the neighbouring ministers, but drew up a letter to heal the breach, and screen Pierce and Hallett. Mr Pierce, it should be borne in mind, was the recognised champion of the Dissenters against the Establishment, (Dr. Nichol and he had carried on the controversy in Latin,) and there was very naturally great unwillingness to condemn him. This letter was signed by several gentlemen and then brought before the Committee of the Three Denominations, who called together the whole body of the Dissenting Ministers of London, at Salters' Hall, 19th February, 1719. It was felt by some that the letter, prepared as it was, gave no opinion upon the point of doctrine which had been raised, but merely preached peace and was, however it was intended, so tender with regard to the ministers that it might be considered to favour the error imputed to them. Mr. Bradbury\* (under whom the Presbyterian congregation in New Court, founded by Daniel Burgess, had become Independent) at the first meeting proposed "that instead of meeting as a council they should repeatedly assemble for fasting and prayer; that they should then choose a few of the wisest and best of their number and send them down to Exeter, to see and hear upon the spot, and give such counsel for the maintenance of truth and harmony as an accurate and personal knowledge of the whole should dictate." He could not prevail, and at the second meeting he moved that the letter should begin with this sentence: "That we may not suffer by misrepresentation, as if our endeavours for peace and charity proceeded from any indifference to the truth, we declare our continuance in the things which we have heard and been assured of, that there is but one only the living and true God, and that there are three persons in the Godhead, the Father, the Son, and the Holy Ghost; and that these three are one God, the same in substance, equal in power and glory." A division was taken, and there appeared fifty four ayes and fifty seven noes. It was not proposed to suggest that subscription to these words should be required of the suspected ministers at Exeter: but the objectors may perhaps have feared that these expressions would be tendered to them, or would

\* Mr Bradbury's name recalls the recollection of the practices at New Court Chapel, no doubt begun by him and continued only by his descendant and successor there, Dr. Robert Winter. The Doctor always prayed for "our only rightful king, King William, and our gracious Queen, Queen Adelaide." He also always gave out the "Merchants' Lecture" at New Broad Street (originally at Pinners' Hall), announcing the preacher.

be otherwise used as a test. No one objected to profess attachment to the doctrines in question, so that they were not formally stated. Yet, taken as the clause proposed was from the Assembly's catechism, it was nevertheless objected to. When this decision became known to the laity it occasioned great indignation in them ; and at the next meeting the proposition was brought forward again, but the moderator declined to put it to a second vote. Sixty three ministers then went up into the gallery and signed a declaration that they adhered to the First Article of the Church of England, and the Fifth and Sixth Articles of the Assembly's Catechism. These "subscribers" did not again meet at Salters' Hall, but all or most of them met afterwards in a separate place, from which they sent a letter of their own preparation to the Exeter churches. There are contradictory statements whether the subscribers were the larger or the smaller party at this third meeting. Several ministers on this day withdrew, resolving not to belong to either of the two parties, and some had declined attending from the first, under a foreboding that no good could come from the meeting. Of one or other of these two neutral classes were Doctors Calamy, Watts, and Marryatt, and Mr Daniel Neal, Mr Price, Mr Hale, Mr Bayes and Mr Munkley.

The decision of the residuary Assembly seems to have been to guard against the danger of dissensions in the Dissenting body as the greatest possible evil, and for that purpose to lay down rules for settlement of all cases of difficulties in congregations arising from differences of opinion, and not to deal with the Exeter case particularly, which indeed had been already decided by the trustees of the chapels refusing the two ministers access to the pulpits.

By the paper purporting to be rules and advices, finished and agreed to on 16th May, 1718-19, after several meetings of the ministers of the three denominations at Salters' Hall, convened by summons of the whole body, it is declared: 1. "That there are errors in doctrine of that important nature as will not only warrant, but even oblige, a Christian congregation to withdraw from the minister or ministers that maintain and defend those doctrines. 2. That the people have a right to judge for themselves what those errors are, and when they are so taught and propagated, as will justify them in withdrawing from such their minister." Then there follow Advices the pith of which is, 1. That offence, rash judging, and unreasonable jealousy of the

sentiments of others should be avoided. 2. That accusation of not holding the Christian faith should not be received, by any to whom application should be made for advice upon such occasions, unless it were reduced to certainty, and not until witnesses should declare themselves ready to support it. 3. That the person accused should be privately admonished before the matter come under examination of any public assembly. / 4. "If, after all, a public hearing be insisted on, we think the Protestant principle, that the Bible is the only and the perfect rule of faith, obliges those who have the case before them, not to condemn any man upon the authority of human decisions, or because he consents not to human forms or phrases; but then only is he to be censured as not holding the faith necessary to salvation when it appears that he contradicts or refuses to own the plain and express declarations of Holy Scripture in what is there made necessary to be believed, and in matters there solely revealed; and we trust that all will treat the servants of their common Lord as they who expect the final decision at His appearing." / 5. That catechisms and other summaries of Christianity with expositions of Scripture should be regarded as great helps to understand the mind of God in the Scriptures. "We also desire to secure the evidence arising from Scripture, though no man should be charged with holding those consequences of his opinions which he expressly disclaims. 6. That when any, either ministers or other Christians, think themselves bound in conscience to declare against such a sense of Scripture as the body of that Christian society to which they belong apprehend to be a truth of great importance, they should, after proper methods have been tried for mutual satisfaction, rather quietly withdraw from it, and seek communion or service in some other Christian society, than disturb the peace of that congregation; and that there be no censure of the person who withdraws, or of the congregation which receives him. 7. That minister and people both endeavour to know, maintain, and propagate the truth in love, insisting most on those things wherein Christians are generally agreed; more sparingly and with greater modesty and charity on those on which good men may and do differ. 8. If any minister or congregation shall differ as to the expediency of these methods, or shall think any other more proper, we hope they will as intending the same good, still preserve charity and communion with those ministers and congregations that shall think fit to pursue these advices."

These advices were despatched on the 17th March with a letter by Dr. Oldfield, the Moderator, signed by him in the name and by the appointment of the ministers in and about London. In it occurs this clause, "We add our earnest supplications that God would accompany them with his blessing to establish peace and truth amongst us; and freely declare that we utterly disown the Arian doctrine, and sincerely believe the doctrine of the blessed Trinity, and the proper divinity of our Lord Jesus Christ, which we apprehend to be clearly revealed in the Holy Scriptures; but are far from condemning any who appear to be with us in the main, though they choose not to declare themselves in other than Scripture terms or not in any." Seventy-three ministers are said to have signed these advices, and it is added that several other brethren consented to them, though they did not add their names. No explanation is given as to the area from which signatures were obtained. The metropolis, however widely the word might be interpreted, could not have so many ministers on this side after deduction of the subscribers and neutrals. The paper presented to the committee of the three denominations, Dr. Oldfield tells us was signed by "several of the principal gentlemen and citizens," and perhaps some of them signed the advices, as for instance the committee, or as we should say now, the deputies. Sir Joseph Jekyll wrote as if he was present and voted. The form originally presented to the meeting (as Mr Bradbury thought with a chief, if not a sole, desire to screen Pierce and Hallett) seems to have been adopted. However this might be, it was prepared by some one who foresaw the dangers which threatened "the Dissenting Interest," and who was really a well-wisher to it; the last clauses were evidently added in all sincerity, and it is painful to read them even now. It may be that the sentence quoted from the Moderator's letter left the door open to error, perhaps even more certainly than any expressions in the advices, but we may surely be allowed to turn wistfully to the time when as yet the English Nonconformists were of one language and of one speech. This reference of the Exeter Churches to the ministers of the three denominations shows that there was no real Presbyterianism in the land.

The Exeter Assembly met in the following May, and fifty-seven of the ministers present signed the first Anglican article, but nineteen refused to sign it. Among these last were Hallett and Pierce, and it does not appear there was any effort made to expel them from the Assembly, although dismissed by their congrega-



tions. It was however resolved that no minister should thenceforth be ordained or recommended to congregations by the Assembly unless he subscribed that Article, or the 5th and 6th answers of the Assembly's Catechism; or assented to the Declaration of Faith made as we have seen by the Exeter Assembly; or "sufficiently expressed the same sense in words of his own."

Thus the result was against subscription, since any minister who objected to it might state his belief in his own language, contrary to the previous rule of the Assembly. The voluntary subscription by way of protestation by the members of the Assembly, since refusal to concur was not followed by any penal consequences, was a very different thing from requiring subscription as a preliminary test in any case. This, no doubt, was exactly what was intended by the London subscribers, but the whole matter has been much misrepresented. The Exeter Assembly maintained their rule till 1753, when it was got rid of, after Micaiah Towgood's influence had been brought to bear upon the matter for four years. The subject was propounded for discussion "whether the Assembly will recommend any candidates who refuse to declare their faith in the Deity of the Son and the Holy Spirit;" and the previous question (whether that question should be put) was moved, and was determined in the negative.

The question discussed was framed as if had been proposed by a Trinitarian seeking to obtain the adoption of a new restriction, and the vote (which really was that the Assembly would not interfere in such matters) negatived the adoption of such a rule. Upon the minute of that day's meeting every thing is regular and conclusive in favour of the "liberal" view on the subject, and it was sufficient to prevent for the future any enquiry as to a candidate's belief on the controverted points, and a fortiori in any others. Yet, in point of law and legal fact, it settled nothing, as a vote that an enquiry should not be put to a meeting cannot affect a previous regulation of the body on the subject. It is not meant that the ministers who voted on the previous question at that meeting, and who in subsequent meetings carried out their policy, could not have passed a simple and direct repeal of the obnoxious regulation of 1719, nor is it suggested that any one present at the meeting was ignorant what was the design, and would be the effect, of the above day's proceedings; on the contrary, the reader's attention is drawn to the fact that Mr Towgood, though so clear and determined in his opinions, and supported by

a majority, chose his disingenuous and faltering course with sinister wisdom. In very few instances have resolutions introducing heterodoxy come down to us; and there is much to be learnt from the language of those we have, and the circumstances attending their passing.

These proceedings fixed, if they did not produce, in the minds of the Presbyterians, a dislike to all human formulas of the doctrines which they held. Their forefathers, from their first appearance as an avowed and recognised body to the time when the Act of Uniformity laid them low, were ever eager to invoke the civil power to help them in imposing on the kingdom the form of words in which they had embodied their dogmas. No doubt the ministers from whom that Act required a consent to all the contents of the Prayer Book, began to see in all stereotyped expressions of religious opinion evils which had never before occurred to them. But the rejection of all human thoughts and words as authoritative declarations of faith did not originate with them, or with Presbyterians of any age. It had been proclaimed by Independents for sixty years before the Exeter controversy, and that not only by individual ministers in private or public discourses, or even in printed treatises; but by the whole denomination in their confession of faith. This document was drawn up, by a general meeting of their ministers and delegates from their churches, at the palace of the Savoy on 12th October, 1658. In the preface it is said "Such a transaction [a confession] was to be looked upon as a meet or fit medium or means whereby to express their common faith and salvation, and no way to be made use of as an imposition upon any. Whatever is of force or constraint in matters of this nature causeth them to degenerate from the name and nature of confessions, and turns them from being confessions of faith into exactions and impositions of faith." They declare that they published and recorded in the face of Christendom "the faith and order which they owned and practised" for the information of their fellow Christians, and not for any practical use among themselves. That such a document was necessary to defend them from the attacks of the enemies of their religious and political opinions may be learnt from the calumnies against them noticed by Mosheim and Rapin. If they had followed the example of all other bodies they would have legislated for their infant churches under the notion of giving definiteness and permanence to their opinions, but they trusted their churches and the

truths they held, to the blessing and protection of God, being satisfied that they were according to His will, and they disregarded the devices and safeguards which human affection and foresight could supply. It should be remembered that the declaration copied above is to be found in a synopsis of Calvinistic doctrine, published in the middle of the seventeenth century, by men on the one hand supported by the party then in power, and on the other fully convinced that the belief of great part of what they stated was necessary to salvation, and that no part of it could even be doubted without peril to the soul. The non-use of creeds by such men is a very different matter to the rejection of them by persons who hold that there are no essential and fundamental doctrines of Christianity. With the latter it is a matter of course; with the former it is a proof of the highest wisdom.

The condemnation of articles of faith as terms of communion, is notwithstanding represented by the Socinians as having been, since the revolution, the distinguishing tenet of the English Presbyterians. They asserted this throughout all the litigation of which we have to trace the history, but they did not produce any declaration of the principle on behalf of the body, or by any leading ministers among them, within thirty years after that era. The English Presbyterians did not generally require from ministers, at their ordination, subscriptions to any articles or confessions, preferring a statement of their faith in their own words, but, as we have seen, the Exeter Assembly before they granted a minister the certificate necessary for his ordination, required him to subscribe to the doctrinal articles of the Anglican Church, not the Westminster Confession, as the Scotch should notice. The Heads of Union referred to the three English formulas without any protest against creeds. Oliver Heywood drew up articles of faith for his communicants. Throughout the controversy Pierce and his friends in their protest against creeds did not refer to the opinions of their predecessors, but reasoned as if the question was a new and open one. One most singular thing happened to the non-subscribers; at least twenty of them, within a year or two after they had voted against Mr Bradbury's proposed declaration, subscribed the thirty-nine articles and gave their consent to the Athanasian creed.

The non-subscribers and neutrals were for the most part Presbyterians, and if old enough had followed Dr. Williams and

his friends to their new lecture at Salters' Hall ; while there were very few Independents besides Dr. Watts and Mr Neal who were not found among the subscribers, just as they twenty years before adhered to the original lecture at Pinners' Hall. Mr Joshua Wilson says that at least half of the subscribers were Presbyterians. Among them were Tong, Robinson, Jeremiah Smith, and Reynolds, all Salters' Hall lecturers. Several of the non-subscribers eventually avowed themselves Arians, but not one of their number did so at the meeting, or can be shown to have introduced heterodox doctrines into his sermons at that time. Dr. Oldfield, the Moderator at the Salters' Hall Assembly, and Dr. Calamy, the chief among the neutrals, immediately set themselves to preach and print sermons on the doctrine of the Trinity, which, though they aimed to stop the dispute which had arisen, and to inculcate charity and brotherly feeling in it, are perfectly orthodox. In 1705 Thomas Emlyn came to England after his imprisonment in Dublin for preaching Arianism, and found no minister to associate with ; and when he gave up his chapel in London, having survived his friends there, he received no invitation from any other congregation than Mr Pierce's, on his death in 1726. From these facts we gather that as far as outward appearances, all remained orthodox, and it might be said almost entirely Calvinistical. Even Arminian opinions seem not to have been openly, certainly they were not controversially, preached at the period of the Salters' Hall Assembly. Phraseology and modes of thinking might be changed by that time, and in the discourses of that day, compared with those which were heard thirty years previously, there might be less of doctrine, and what there was might be inculcated more as a matter of reason than of revelation ; duties might be dwelt on rather with reference to man than in relation to God ; the spirit of the confessors in the Stuart reigns might be represented by Howe, and sermons preached after the accession of the Guelphs might be modelled after Tillotson ; yet the difference was neither in omission of the old themes of Christian contemplation, nor in expression of any thing contradictory to the old belief. If there was a concealed change of opinion on important points, it existed only in a few young men, as yet unmarked and uninfluential. Great pains have been taken to produce the belief that by 1720 the Presbyterians were not only Arminian but also "Unitarian." It is not exactly said that opinions to be called by those names were preached then ; but it

is at one time intimated, and at another assumed, that they were secretly held by most of the Presbyterians. It will however be found that those who do this also assert that the body had ceased to be Calvinistic before the Revolution, as if their sufferings taught them candour and charity, and freed them from gloomy, rigid, and narrow notions, but no passages, it is needless to say, have been quoted from any of the heavy folios or thick duodecimos of the seventeenth century to prove as much. On the contrary, we have the fact that, in 1691, the Presbyterian ministers of London joined their Independent brethren in acknowledging the Westminster and Savoy Confessions, and that of itself should have prevented the attempt to produce such an impression. The Neonomian controversy began not by denunciation of Arminianism in Presbyterians, but by reprehension of Antinomianism in the posthumous works of an Episcopalian, and the statements of Dr. Williams which were questioned were made by him in controverting what all admitted to be most pernicious errors. After some years of angry dispute, in which nothing was proved by either party, each withdrew its charges, and it was admitted that the supporters of the old lecture did not intend to favour perversions of the doctrine of grace, or the founders of the new lecture to impugn it. The result no doubt was to show that men who were careful of their words and thoughts were adopting a safer and more correct statement of the doctrine of the African Augustine, such as had then been sketched by Richard Baxter, and having in our century been more precisely expressed and defined by Dr. Edward Williams and Andrew Fuller, true fathers of the Church, is now held by the great party which is called by the name of John Calvin, because of all the reformers he was its chief though not its only exponent. It may not be without advantage to quote the sentences which Mr Hallam, impelled by conviction and not partiality, wrote of this theological system. "This, in some or other of its modifications, used to be deemed the orthodox scheme of doctrine. It was established in the Latin Church by the influence of Augustine; it was generally held by the schoolmen and by most of the early reformers; and seems to be inculcated by the decrees of the Council of Trent, as much as by the articles of the Church of England. In a loose and modern acceptance of the word, it often goes by the name of Calvinism, which may, perhaps, be less improper, if we do not use the term in an exclusive sense; but if it is meant to imply a

particular relation to Calvin, leads to controversial chicane, and is a mis-statement of the historical part of the question." Mr Hallam intimates that the notion of orthodoxy which he thus states was scarcely current when he wrote; and as it has not perhaps gained greater acceptance since, there is the more reason that care should be taken to bear it in mind, when dealing with the opinions of those who have been for a century in their graves. The departure from this time-honoured belief with the Presbyterians, as in all other cases, was first to Arminianism; but that change throughout the body was so slow that in 1731 the London ministers, according to a manuscript in Dr. Williams's library, quoted by all parties as correct, were divided into three classes: "1st, deemed Calvinists, that is such as agree with the Assembly's Catechism; 2nd, accounted Arminians, or such as are far gone that way, by which are meant such as are against particular election and redemption, original sin, at least the imputation of it; for the power of man's will in opposition to efficacious grace; and for justification by sincere obedience in the room of Christ's righteousness; and 3rd, of the middle way partly Arminian and partly Calvinistic, or that sometimes preach one doctrine and partly look to the other." Mr Joshua Wilson adds "the first list contains nineteen names, the second thirteen, the third twelve. Of the lecturers at Salters' Hall at that time (Drs. Harris, Gill, Grosvenor, and Wright, and Messrs. Bayes and John Newman) the names of the two first and two last are found in the list containing the Calvinists; those of Drs. Grosvenor and Wright are among those belonging to the intermediate class." Dr. Bogue and Dr. Bennett say that the classifier was evidently himself a high Calvinist.\* We have seen that in 1719 there was not an avowed Arian among the London ministers; and that even the non-subscribers agreed to a form of words, professing without explaining the Trinitarian doctrine.

The doctrines of a religious body are chiefly to be ascertained from its formularies, and a communion which does not use a prayer book, creed, or articles of faith, has none beside its catechism and hymn-book. Until about 1740, the Assembly's Catechism,

\* All the Independents are in this account stated to be Calvinists, twenty-seven thoroughly and one somewhat dubiously so, three inclined to Antinomianism, and two (who are described as disorderly) not deserving any particular remark. Of the two Seventh-day Baptist ministers, one was a Calvinist, the other an Arminian. Of the sixteen Particular Baptists seven were Calvinists, and nine "inclined to the Antinomian strain." Five of the eight General Baptists were Arminians and three Socinians.

in all the sternness of its Calvinism, was the manual for youth in all Presbyterian Chapels in England. When here and there a minister felt it operated as a standing protest against the lack of doctrine in his sermons, he dared not attempt to lay it aside. The Rev. James Strong, of Ilminster, made the first attack upon it ; but all he did was to alter it, and publish it as the Assembly's Catechism revised. His alterations were anti-calvinistic and Arian. He prefaced it by remarks of Baxter, Dr. Cotton Mather, and Dr. Bates, which we may be sure did not impugn the doctrines of the venerable Assembly, even when they expressed wishes for a Catechism more adapted to the faculties of children and ignorant people. The revision however was not allowed to obtain circulation without an alarm being given as to its real nature, that no one might be deceived into the notion that those great men countenanced such an attempt. This service was performed by Dr. Guyse, successively of Hertford and New Broad Street, London. The biographical notices of both Mr Strong and Dr. Guyse omit the dates of their works, but Mr Strong died in 1738. The Rev. Samuel Bourn, of Birmingham (often distinguished as the elder), in 1736 published "An address to Protestant Dissenters, or an inquiry into the grounds of their attachment to the Assembly's Catechism, whether they act upon bigotry or reason ; being a calm examination of the sixth answer in the Assembly's Shorter Catechism, by a Protestant Dissenter." He followed this up in 1738 by reprinting Mr Strong's revision with three Catechisms, or as he styles them, "Lectures in a Catechetical method," by himself, and recommendations of the whole volume by men who afterwards were the heads of the Arian School. These were Mr Mothershead of Manchester, Mr Rogerson of Derby, Mr Grove and Dr. Amory of Taunton, and Drs. Chandler and Benson of London. Their recommendations seem like the first manifesto of the party. Dr. Toulmin, in his notice of Mr Bourn's book, says, that "Mr Bourn though he did not think it proper to lay aside the Assembly's Catechism, which initiatory piece of religious instruction carried with it at that day a very undue authority, yet in his catechetical lectures in his chapel freely censured the doctrines which he believed to be erroneous." These few particulars show more forcibly than anything else could have done the esteem in which the catechism was held in that age. Mr Strong dared not tamper with it without attempting to give a colour to his interpolations from expressions used, with

far different intentions, by the orthodox leaders of the past generation. Mr Bourn did not think it prudent to propose its total disuse; and his brother Arians deemed the perversion of such a witness for the truth a fitting occasion for their first appeal to all like-minded men among their body. Dr. Toulmin's odd and spiteful fling, made when it might be safely ventured, completes the unwilling testimony borne by all these men to the hold which the old faith had on the congregations, even after the ministers had shaken it off. In the case of the Hewley Charity, a great deal was said, (though incorrectly in the opinion of the judges,) as to the difference between the Assembly's Catechism and Mr Bowles's later one; and it was urged that those who meant to teach Calvinism used the old standard manual. We see that it retained its supremacy nearly thirty years after Lady Hewley's death.

As to the hymn books of the Presbyterians, they immediately availed themselves of Dr. Watts's hymns published in 1707, and his psalms which first appeared in 1719. Their congregations as Arianism prevailed in them adopted new hymn-books, in which the doctor's hymns, though they formed the staple, underwent alterations thought necessary to accommodate them to the new notions, these however were not so numerous as perhaps might be expected. When Socinianism had extinguished Arianism, new selections supplanted the old ones, and in them the doctor's hymns relating to the person of Christ were either omitted or so altered as to lose their identity.

The party which took its rise from those men of undoubted orthodoxy who stood by Dr. Williams, when he was persecuted because his language and reasoning varied from the old forms of thought and expression, almost of necessity contracted a tendency to diverge from the letter of the old theology. In process of time, when its old leaders were no more, some few of its ministers avowed themselves Arminians; and the others, without having themselves changed their opinions, continued to fraternize with them, more or less, from habit, friendship, or fear of a new disruption. All then felt themselves compromised together, and drew closer together for mutual support and encouragement. This could not be done on the part of the Calvinists, without some reserve and danger to their consciences and principles. The other party, seeing this result of the association of brethren of their own opinions with men of laxer notions, withdrew more and



more from those who either held error or consorted with such as did so. They might themselves so far yield to the influence of the age as to relax the rigid formality of their scientific theology ; but they held the truth itself the firmer that they saw it in peril all around them. The Salters' Hall controversy found neither party in a situation to judge rightly. The laxer party, long accustomed to variances as to doctrine, were too ready to treat Pierce and Hallett's opinions as right in the main, and to make the differences verbal only, forgetting that the doctrine then in dispute was a cardinal one. They felt the full force of the argument against requiring subscription, and setting up as authoritative definitions of doctrine by uninspired men ; but they did not see that the vote they came to would subject them to the imputation of shielding the assailants of the Saviour's deity, and shrinking from the assertion of the truth which they really believed, and which was taught every Lord's day in all their congregations. The charge of actual heresy against any of the non-subscribers was unfounded and unjust according to Dr. Oldfield's letter and Dr. Calamy's autobiography, and we cannot suspect either of them of simulating orthodoxy themselves, or giving false characters for it to others ; yet it must be allowed that strong-minded and cool-headed men might be prevented, alike by their feelings and their fears, from associating with the party which at such a crisis was contented with the vague advices sent from Salters' Hall. Nor was the controversy, as in the former case, confined to London ; but the Presbyterian body through the kingdom was broken up into two hostile sections, one claiming to be the only supporters of the true Protestant principle of the sole authority of the Bible to the exclusion of all human formulas, though at the same time professing perfect orthodoxy : the other proclaiming themselves the only maintainers of the old faith, and denouncing those who shrank from avowing it, and only cared to screen their friends who denied it. Every minister desiring to secure the aid or sympathy of any of his brethren found it necessary to take and keep his side ; and when a man makes his choice of a party, he is influenced not so much by a sense of truth and duty as by taste and sentiment, and even they are not so potent as the ascendancy which other men have obtained over him. Those who took the non-subscribers' view of the question could boast in their ranks most learning, eloquence, and power of mind ; but the old-fashioned party included the more saintly and devotional men. The latter lost

the mental benefit which they would have derived from the greater acquirements and more expanded views of the brethren from whom they were then separated; and this produced in them an inferiority which repelled young men of vigorous and ambitious minds. This cause seems to have operated to swell the ranks of the other party, and also those of the Establishment.

The ministers who cast in their lot with the subscribers had the advantage in contending for the old forms of faith as they were still held by the laity in love and veneration; but the non-subscribers were more firmly united together by the suspicion entertained of them all in common, perhaps it should rather be said by their enduring needless unkindness and positive injustice. It might be seen that the two Associations must soon regard each other as the Pharisees and the Sadducees of the time of our Lord. The immediate effect was to spread Arminianism among the Presbyterians, and thus to prepare them in time to embrace Arianism, which was at that time widely spreading among that portion of the established clergy who troubled themselves at all about doctrine.

If Whiston was expelled from his mathematical professorship in 1710, convocation failed in procuring the condemnation of his doctrine by the Queen; and that Queen was Anne. Dr. Samuel Clarke published his "Scripture Doctrine of the Trinity" in 1712, and, after an equivocal submission to convocation, which they were fain to accept, on an understanding that he would thenceforth keep silence on the controversy, died rector of St. James's. He, however, held himself out as a Trinitarian; and surely an Arian is no Unitarian, to some minds he may appear less so than an Athanasian. His arguments were urged with the greatest sagacity and caution, and they had the strong recommendation of proceeding from the rector of the royal parish, but the chief reason of their success was that they appeared just at the right time for their general acceptance. The age being itself destitute of deep faith and vivid feeling and imagination, was impatient of all strong opinions and passionate sentiments, and boasted that it tried them all by the standard of common sense: that is, every man was ready to settle every question, moral or religious, by an off-hand decision, without study and without experience. It turned from all lofty speculation to topics of common society, and its highest aim was to avoid and discountenance fanaticism, and to discern and teach what was prudence and utility for the passing day. The men of such an age take the high road or go

with the tide, and are too wise to encounter risk or even ill-will for their opinions.

The non-subscribing part of the English Presbyterian ministers were not only acted upon by the age as their neighbours were but, from their living in perpetual opposition to their Presbyterian and Independent brethren who adhered to the old notions, were in a manner prepared and almost pledged to support the new opinions. Arianism with its vagueness and flexibility just met their case. It allowed every man to be just as much of a supernaturalist or of a rationalist as he pleased, and to employ Scripture in either way with as much or as little meaning as suited his purpose. It would be unfair not to state that many Arians were men of saintly lives and eminently devotional habits, and no doubt, if their scheme of doctrine could be ascertained, it would be found very difficult to express with precision and accuracy the difference between them and the Trinitarians, from whom they stood aloof to consort with men with whom they had much less in common. The imperfection of human language, and the inadequacy of man's intellect to reason upon its ideas of the Godhead, rather than any real difference of opinion, occasioned their seeming variations from the old doctrine.

With others the profession of Arianism was the convenient disguise by which to conceal a denial of all that is supernatural in Christianity, and carry on war with it to the best advantage. For there is a freemasonry in unbelief, those regularly entered can soon make themselves known to each other, initiate any willing to join their camp or take part in their orgies, and pass each other through the degrees of illumination.

Some ministers, under the influences of the time and their party, yielded to doubts infused by Manning, Emlyn, or Pierce, or suggested by the works of Whiston, Clarke, or those fountains of heresy, the Racovian divines; but Arianism was chiefly diffused by ministers fresh from the academies. The nature of the next age can always be told when the abler men all leave the seats of education with the same general character. In the Nonconformist Colleges of the early part of the last century the tone of piety was lowered by students for the ministry meeting in their classes nearly equal numbers of young gentlemen training for secular pursuits; and the force of truth was much weakened by orthodox tutors making it their practice to press the heterodox side of a question as much as that which they themselves

believed. The newer and the bolder notions had most attraction for the more vigorous and lively minds, and they left their academies, (orthodox or heterodox,) determined to work a revolution in the body to which they affected to adhere, and possessed of sufficient worldly wisdom to wait till their purpose could be effectually and safely accomplished. Thus at the time we have to do with many young men entered the ministry among Non-conformists prejudiced against the old principles, prepossessed in favour of new schemes of doctrine, and with a want of devotion and elevated views, for which their hardihood of speculation, though conjoined with the greatest discretion and reserve, afforded but poor compensation. They took the oversight of congregations with the determination to wean them from the old system, and bring them to their own state of mind and feeling. They attempted this, not by instilling their own opinions, but by observing a guarded silence on all matters on which their flocks differed from them; they preached on the love and mercy of God, the example of Christ, and the dignity and perfectibility of man, but they were peculiarly fond of stating and illustrating the evidences of religion in opposition to atheists and deists. This was neutral ground between orthodox and heterodox, and there was great advantage in occupying it, and they maintained it very well, just as German rationalists have taken wonderful pains with the philology of the Bible, while seeking to deprive it of all serious meaning. The men who played this part in the old meeting houses might be, as they called each other, moderate, judicious, rational, and practical divines, but it was their deliberate purpose to counteract the labours of the men for whom those buildings were raised.

This concealment of opinion does not tell well now, and perhaps it may be denied, but in all notices by Socinians of the first Arians it is mentioned as their praise that they rarely preached doctrinal sermons. Emlyn states that he was several years before he allowed his adoption of Arian opinions to become known, although he became the martyr of the cause. Hallett and Pierce denied the right of any man to interrogate them as to what they believed, yet the parties who questioned them were, first the managing committee of their chapels, and afterwards their fellow-members of the Exeter Assembly, who took part with them in ordination services and in all ministerial business. Dr. Toulmin published, as worthy of all admiration, the scornful and angry rebuke administered by Samuel Bourn to two members of the

church at Kidderminster, for addressing to a friend of his, who was a candidate for the pulpit, written queries on the main points in dispute between the orthodox and the Arians. No one would at the present day say that there is anything unreasonable in desiring to know a minister's opinions when he proposes to become the pastor of the person desiring the information. In no other body could such concealment have been practised, or would it have been justified, and it is to be explained only by supposing an entirely different view of truth and honour on theological matters from that entertained at present.

This reserve was practised in the hope that congregations which for years had not heard any doctrine from the pulpit must become indifferent to it, or that at any rate a new generation would spring up in ignorance of the old theology. But the books and sermons of the great divines who lived while episcopacy was overthrown, and during the persecution which signalled its revival, remained to make up for defects and errors in the pulpits; and faithful men still resorted to the old chapels, for in the parish churches matters were no better as to doctrine, and often much worse in other respects. Such men showed their dissatisfaction with the new state of things at the next choice of a minister, and opposed the election of a candidate if he avowed himself an Arian, as generally happened. In most cases the effort was in vain, and then the orthodox minority seceded and founded a new chapel. Sometimes even a majority, if opposed by the trustees and chief men in the congregation, found themselves under the necessity of being the retiring party, as at Shrewsbury and Wolverhampton. In a few instances the Arians were the smaller and weaker body, and then they left and built for themselves, as at Kidderminster and Taunton. Trinitarians thus coming out of a Presbyterian congregation always founded a regular Independent church, and thus bore the strongest testimony to the different results of the two systems in the preservation of the truth.

It was customary in large congregations to have an assistant minister as well as the pastor, and perhaps less care was taken in the selection of men for the inferior office. Certainly many of such assistants eventually brought in Arianism, even where no doubt can be entertained of the orthodoxy of the senior ministers with whom they were associated. It is to be borne in mind that the choice of an assistant, except in the largest con-

gregations, took place in the latter part of the pastor's time, and though he might not concur with the congregation in their preference, there would be great difficulty in his opposing it.

In some cases, and those not a few, an improper choice is to be attributed to an evangelical minister preferring the interest of his family to that of his flock, and causing or providing for the election of a son, nephew, or cousin, as his assistant or successor. The hereditary principle works well in no profession except those of royalty and legislation, so far as they are exceptions.

The choice of a minister depended, in some congregations entirely, and in all mainly, on the trustees who, succeeding their fathers by quasi inheritance, were often entirely destitute of personal religion. The circumstance of the trust deeds containing no other provision as to the chapel than that it was for the use of Dissenters or Presbyterians, added to the utter want of organization in the congregation, might seem to leave the selection of the minister to them. They had the legal ownership of the chapel and, what was sometimes of more importance, of every endowment connected with it, and in those days when the world and the world's law were not the friends of Nonconformists, to speak lawyer's language, the power would go with the legal estate. Beside their official position, they were very often persons of high standing in society and of considerable wealth, and how could a small or poor congregation contest any matter with them? In choosing a minister they naturally thought of themselves, and sought a man who would be an agreeable companion for their families, and perhaps also a good tutor for their sons. If they had any higher considerations they thought only of pulpit talents. A young man of "liberal" opinions would generally meet their purpose best in all respects.

In all or almost all cases it will be found that the general body of a congregation was more attached to the old faith than the ministers and the richer men were, and in very few indeed was the vacancy occasioned by the death of an uncompromising and outspoken Trinitarian filled by the choice of an avowed Arian. Where deceit was practised it cannot be said that the change in the opinions of the congregation took place freely and fairly.

In London and the large towns dissatisfied hearers would find elsewhere preaching to their mind, and leave a minister whom they suspected of unsoundness; thus it happened that the

most important chapels were the most easily gained by the heterodox. In small places a minister would be more forward and bold in preaching Arianism if he was supported in it by the trustees or influential families, or was rendered comparatively independent by an endowment. A minister of superior ability, and possessed of qualities which endeared him to his people, would not fail to bring them to his own way of thinking.

It should however be known what the opinions of these first Arians were. They did not make as great a departure from orthodoxy as had been made by their day; Socinianism in individuals was no new thing in England, and abroad it had ripened into opinions anticipatory of the rationalism of the next century. There had long been congregations, indeed sects, of Anti-Trinitarians; it had been a popular belief in Transylvania that Christ was a mere man, and a body in Poland had gloried in calling themselves by the name of Socinians. In England not only was all reserve and caution, but the deviation from orthodoxy was comparatively slight. Emlyn resisted the attempts of Manning to bring him to humanitarianism, and Mothershead finally refused to go the lengths of Seddon, his son-in-law.

Martin Tomkins we shall have to do with. He was dismissed from Newington Green for Arianism in 1718, yet in 1732 published a volume on the atonement of Christ, which Dr. Doddridge highly recommended. It perhaps, in fairness, should be mentioned that he also wrote against the common doxology as unscriptural, and did not confine his remarks to the Gloria Patri, as tacked on to David's Psalms.

The great James Pierce in his sermons published posthumously in 1728, as quoted by Mr J. Wilson, has these words :

“Hear, O heavens, and give ear O earth ! The Creator, He by whom God made the world, has become an infant, and He that made all things has been made of a woman. He that gives life to all has condescended to receive life by means of such to whom He gave it. His dwelling then, with men on earth, is the more marvellous if we consider the design of it. What a perfect expiation and atonement has He made for our sins. This was the end of his appearance. We know that He was manifested to take away our sins.”

Samuel Bourn, in his catechism already referred to, says :

Q. How has Jesus Christ wrought out salvation for us, or how doth he become our Saviour ?

A. By shedding his blood as our sacrifice, and pleading his blood shed in obedience to God as our righteousness.

His forms of evening prayer contain the expressions "being cleansed by the blood of Christ from all past sins," "through his sacrifice and intercession," "through our Lord Jesus Christ, who hath loved us and washed us from our sins in his blood."

The very learned Dr. John Taylor, successively of Norwich and Warrington Academy, who first in England, Mr J. Wilson says, wrote against the doctrine of original sin and the atonement (1751,) and whose paraphrase on the Epistle to the Romans has continued the Arminian key to the Apostolic writings to the present day, thus sums up his observations on the sacrifice of Christ :

I conclude, therefore, that the sacrifice of Christ was truly and properly in the highest degree, and far beyond any other, piacular, and expiatory to make atonement for or to take away sin. Not only to give us an example ; not only to assure us of remission, or to procure our Lord a commission to publish the forgiveness of sin ; but moreover to obtain that forgiveness by doing what God in his wisdom and goodness judged fit and expedient to be done in order to the forgiveness of sin, and without which he did not think it fit or expedient to grant the forgiveness of sin.

These men may all be regarded as heresiarchs of the English Presbyterians, and it is important to notice what doctrine they introduced. The Socinians never make distinctions except between orthodoxy and heterodoxy, and claim every man who was not orthodox. They draw the boundary line at the doctrine of the Trinity, and would fain call every one not agreeing to the doctrine of the Athanasian creed a Unitarian, and on their side. The true test is opinion as to the person of Christ, and the true classification is of those who hold His mere humanity, and those who believe Him partaker of the divine as well as of human nature. It is clear that all the authors hitherto mentioned would, if they must have placed themselves in one or other of these classes, have been, however unwillingly, on the orthodox side and protested against the present Socinians as rejecting what was essential in Christianity.

Socinianism does not appear to have been openly preached before Dr. Priestly published his "History of the Corruptions of Christianity," in 1782, and his "History of Opinions concerning the person of Jesus Christ," in 1786 ; and his views were adopted rather by young men studying for the ministry, than by ordained



ministers. His ancestors had for some generations been Independents, and he had very little similarity to the Presbyterians, being outspoken and uncompromising, and showing a warmth and impatience of opposition which were contrary to their spirit and tactics. The effect of his writings has been to destroy Arianism in England, at least the profession of it, although many heterodox ministers remained to our own time who, notwithstanding they would not have been forward to give themselves any sectarian name, or even to define their doctrine, would yet, if need were, have carefully denied being mere humanitarians. Dr. Abraham Rees was their patriarch, and there were among them several men of note, beside others less known. They varied very much in their opinions, but they maintained the pre-existence of Christ, and His atonement for sin; nevertheless from early connexion and mental affinity they associated almost exclusively with Socinians, and even those of them who in their convictions were nearest to the orthodox, would have felt themselves out of their element amongst evangelicals. Between the first profession of Arianism and its development or merging in Socinianism, the courses taken by its supporters were very different. A few ministers among the Independents, and here and there one in a Presbyterian chapel, consorted with evangelical Independents, but yet were understood, or rather suspected, not to be perfectly orthodox. They were the high and dry party among dissenters. There were also pastors of Presbyterian congregations, preserving in their sermons a guarded silence on all controversial points, and using scriptural phrases only in their prayers who, owing to their congregations being Trinitarian, on formal occasions, such as meetings of ministers, appeared among the Independents, but when they needed assistance in their pulpits (which is the testing occasion), obtained it from heterodox neighbours. The fate of such a congregation was generally determined by there being or not being any other place of worship to which the more religious part of it could advantageously secede. The next minister was a man of decided opinions; orthodox if the congregation had kept up its numbers during his ministry, heterodox if it had not. One minister avowedly an Arian, is reported on good authority to have told his flock, in anticipation of his decease, that his successor would be sure to preach a different gospel from that which they had heard from him, and to have recommended them if his fears should be

realised, to remove to the Independent chapel; advice which however few or none of them took. We of this generation have known men to die pastors of Independent congregations and thoroughly orthodox and evangelical, whose first settlements were over Presbyterian congregations, and who were chosen by them as being, at least as supposed to be, Arians. Perhaps they really were undecided to which party to belong, their consciences told them to take part with the Independents, but they did not like some of their Methodist ways, and preferred for personal intercourse the better bred and better educated men who called themselves Presbyterians. The generality of the contemporary ministers of this class ended as Socinians. Several congregations were preserved by a short supply of students from heterodox academies, and the consequent necessity of taking a man educated among Independents. Wymondley was first reverted to in these cases, at one time it was nearly neutral ground, and its orthodoxy was thought to hang on the life of one of the trustees. Homerton was next favoured. Hoxton was thought methodistical. In Ireland Arianism seems to have been avowed earlier than in England and to have maintained its ground to some degree in the presence of Socinianism. One of the ministers of the chapel in Eustace Street, Dublin, declared himself an Arian in the suit which will be referred to.

Under these circumstances the intercommunion of Arian and Independent ministers gradually came to an end. In Dr. Doddridge's time it was very much diminished, but he considered it a matter of duty that periodical meetings, at which the two connexions interchanged pulpits, should not be given up, and he printed a remonstrance on the subject. No doubt he thought that as long as there was any danger of a Stuart invasion the dissenters should be kept together in self-defence. He knew that another restoration would be followed by another persecution, if the Anglican clergy could but gain sufficient power. Fortunately they could only continue the Test and Corporation Acts. The two suits in the "Court Christian" brought against him for keeping an academy warned him what would be done if the parochial clergy of his time could have their way.

Shortly after the falling away of so many of the Presbyterian congregations, the Independents received new life, and great accessions to their numbers, from the labours of Whitfield, and in some degree from those of Wesley. As the Independents are

the least organised of denominations, a congregation not led into any other system naturally follows theirs, if the communicants form themselves into a body distinct from the congregation. When once this distinction is made, in England at least, this consequence has always followed. Thus the bodies of English Calvinistical Methodists, and of the Countess of Huntingdon's connexion have been converted into regular Independent churches. Of course the contact or influx of revivalist notions was not without influence on the spirit, public devotions, and habits of the Independents, and produced a still further separation between them and the Arianized Presbyterians. Some judgment may be formed of the dislike with which any new measures were regarded, from the manner in which Mr Walter Wilson, in his history of the London Congregations, refers to the modern Dissenters having become Methodists. This reproach however we may suppose has now nearly passed away. But what with Methodism in the one party and Socinianism in the other, all intercourse, much more all communion, between heterodox occupants of old meeting houses and Independents has long ceased. They perhaps still recollect the old relation as far as lending chapels in cases of rebuilding, and a Socinian without a chapel of his own opinion, if he determined to worship among Nonconformists, would generally give the preference, other things being equal, to the Independent Chapel. In civil matters the Independents are always glad to bring their numbers to the support of the more select body which the Socinians form, and members of Parliament of the latter body have never had heartier supporters than among the Calvinistic portion of the constituencies, for the bond of the common dissent was gladly acknowledged. Complaints have been made that this good feeling has not been returned when Independents were candidates.

Surprise may be felt that an effort was not made to prevent the misappropriation of the chapels as soon as Arianism was avowedly preached in them. We have seen that in 1718 Mr Martin Tomkins was dismissed for Arianism from Stoke Newington, as Mr Pierce and Mr Hallett were from Exeter. This no doubt checked the spread, or at any rate the avowal, of similar opinions in Presbyterian pulpits, for a considerable time. But by the time that the richer men among them had become so changed in their opinions, or so latitudinarian, that Arianism could be professed by a minister without risk of his dismissal by his congre-

gation, lax notions of religious doctrine had so far spread among the classes which furnish the Judges, that an information in support of Trinitarians, especially with Calvinistic relators, would have been a hopeless affair, supposing an attorney-general would have permitted the use of his name. This was just about the time that the numbers and influence of the Dissenters were at the lowest, although they were always the surest, perhaps almost the only sure, supporters of the Government. Besides it would have been difficult to prove a charge of Arianism to the satisfaction of even a favourable judge. The variation from the old notions was slight at first, and the old language was retained, except a few forms of expression which were easily replaced by ambiguous ones and, as the Arians habitually omitted doctrine from their sermons it is difficult to see what evidence could have been given as to what they really believed. An Arian compelled by Chancery to declare his opinions would have been able with very little, if any, direct falsehood to answer in such a manner as not to convict himself of heterodoxy. Socinianism had not been openly preached in many chapels long before England had embarked in the war with revolutionary France, and then all the Dissenters were objects of suspicion and alarm to the King's ministers, and by no means favourites in the King's courts. In 1813 Parliament had become sufficiently enlightened to admit Anti-Trinitarians to the benefit of the Toleration Act, but Evangelical doctrines still remained under the stigma put upon them by the Act of Uniformity, and the additional unpopularity which they contracted when Whitfield and Wesley shocked all the feelings and prejudices of their age. At the beginning of the century Lord Eldon began his long and absolute supremacy in Chancery and the House of Lords, and his judicial character gave no encouragement to prefer claims founded, not on wills and deeds, but on the history of Dissenting sects. How could it be hoped that his lordship would have made up his mind what was evidence and what was not? We shall see that even Lord Cottenham gave an Eldon-kind of judgment in the House of Lords? How could he have been certain that he exactly knew what an English Presbyterian was though he would have been sure to see the difference between him and a Scotch one? Was it possible that he ever could have been satisfied that the old English Presbyterians were really extinct when so many were still known by that name in his native Northumberland? Would he ever have made the effort necessary so far to set words aside as to give a

chapel called Presbyterian to Independents? It no doubt appeared certain that he would decide that Socinians were not, but as certain that he would manage to avoid deciding who were, entitled to the meeting houses. We can readily believe that counsel and attorneys would despair of such a suit, however the clients might believe in truth and justice. Nevertheless when the war had been over two years, and the spirit of the English people generally was reviving, and there was more faith in what ought to be, and less acquiescence in what was wrongful, the litigation began, though Lord Eldon held the great seal, but it soon stopped, no doubt because he was sure in the last stage to be subjected to scruples and difficulties, which would have swarmed thicker than ever when appealed to by relators, who were at once Dissenters, Evangelicals, and Calvinists. It was resumed in 1830, singularly enough four days only after William the Fourth's accession, by which time it was felt that a new age had set in.

The ground on which the Socinians rested their case was that at some time (which they did not fix) between the Restoration and the Revolution the practice of free enquiry on matters of religion became so entirely the one principle of the English Presbyterians, that their only wish, with regard to the chapels which they built, was to secure them to the congregations occupying them for the time, whatever opinions they might adopt. That they first set the example of a denomination not only shaking off human authority in religion, but divesting themselves of all ancestral prejudices, in order that they might ascertain for themselves the real meaning of the Bible, apart from all traditionary interpretations of it. That they foresaw that the result of this spirit of enquiry would be that each succeeding generation, continuing the pursuit of truth in the same manner, would discard more and more of the doctrines then generally received. That accordingly a preparedness to receive new notions was the normal condition of their body. That, such being their state of mind, they were careful that their foundations and endowments should not prevent but promote such progressive enlightenment, and that they provided that this should be their effect, by omitting from their trust deeds all mention of doctrines, and merely declaring that their chapels were for Presbyterians, a name which, they say, of itself conveyed the notions just expressed, if they did not use the comprehensive term Protestant Dissenters, without any qualification. That

they would themselves, if living in a later generation, have adopted the opinions at the time most in advance of the old orthodoxy. That the Socinians of the nineteenth Century were the true representatives, as in most cases they were the successors, of the English Presbyterians. That, according to all the principles of the last-mentioned body the congregation occupying a chapel could, without danger of dispossession, use it for the promulgation of any doctrines which they might adopt because it was their own affair and concerned nobody else.

Indeed the Socinians found it necessary to make these assertions in reference to the founders of the old chapels and endowments, because it being clear that they were Trinitarians, the Court of Chancery was sure to hold that the doctrine of the Trinity must be fundamental, if they had any fundamental doctrine at all, and to prevent Anti-Trinitarians from enjoying their charities.

There will be found in pamphlets and speeches on the Socinian side passages importing that the Presbyterians made the creed called the Apostles' Creed their standard of doctrine, and if that could have been made out, the Socinians would perhaps have carried their point, because (except as they very properly object to subscribe to any article of faith) they are always willing to subscribe that creed, as Mr Everett, the United States' Ambassador, did on being created Doctor of Laws at Oxford. But each such passage will be found at variance with the other parts of the pamphlet or speech from which it is taken, for the Socinians of this century have never failed, in all their reasonings on the matter, to state the rejection of creeds as the great characteristic of the Presbyterians, not knowing or not telling that it had been derived from the Independents, who have never departed from it. No Presbyterian trust deed or other authoritative document, was produced referring to this creed as a standard, nor has any other use of it as such by that party been shown. Lady Hewley, in the rules she laid down for her hospital, required the almswomen to be able to repeat it, but the judges were of opinion that it was but reasonable to suppose that her ladyship, as almost everybody did in her day, agreed with Bishop Pearson, who, in his exposition, explained it as Trinitarian. We shall hereafter see what Mr Baxter thought of it, though it is from his unguarded expressions that the Socinians took the hint to put forward this creed as expressing their views. The fact that they can with any shew of plausibility do so suggests

many curious thoughts. If it had been used by the Presbyterians as a standard they would have left us many a treatise upon it, which would have decided the question in favour of Trinitarians.

This position of the Socinian party will not be found consonant to what men have generally done in respect to religion, or in any degree supported by the history or writings of the Presbyterians.

Even in our day when, according to all appearances, few of any party care or know much about dogmas, no man would have sufficient zeal for religion to endow it unless he had a strong preference for some particular form of it. However latitudinarian a man is, some method of worship suits his taste best, and some doctrine seems to him most correct, and most beneficial in its influence over those who profess it, and he would devote his benefactions to support them, and would certainly wish to prevent his property from being employed to controvert or discredit them. A man adiaphorist to such a degree, and having an idea of Christianity so abstract, that no notion, though believed by himself, should seem essential to it, and no other notion, which he had heard or read of as maintained by other men, should in his opinion be incompatible with it, would not found a place of worship or in any wise endow religion, unless he did so in bitter hostility to it, or for some other evil purpose. He could not have any affection for Christianity if every congeries of fancies, which any set of men might agree to call by its name, was the same to him.

And even if instances could be brought forward of an individual man or woman here and there having indulged such a whim, we cannot suppose hundreds of congregations making it their only principle. A common faith is necessary as the bond of every non-established communion, or rather it is the condition and cause of its existence. Men associate to practise and teach what seems to them to be truth. A sect formed to seek truth would perish during the search. A single congregation may remain round a favourite preacher during such search on his part, if all circumstances are favourable, but the experiment would not be tried twice with any chance of success. The mere rejection of human authority is not a sufficient basis of a denomination. For that a positive belief is required. A protest against error is merely negative; it is not a faith and cannot take the place of one. When the Independents and Socinians met in their fierce contest both equally condemned the use of creeds, maintained that the Bible is the only rule and standard of faith, and asserted the

right of free enquiry and individual opinion. Nor were these the only points in which they agreed. They were both alike congregational, and opposed Episcopalians, and true Presbyterians, on the same grounds. They had the same views as to the ordinances called sacraments, and the ministerial character, and their form of worship was the same, except so far as the Socinians have adopted a liturgy. But it will be seen on examination, that the opinions in which they agreed were almost entirely negative, denying man's additions to what has been revealed, and although the points alluded to are those which have occasioned a very large proportion of ecclesiastical strife, they both felt that notwithstanding agreement in all such matters, they were the very antipodes of each other. Each party held opinions which it regarded as vital truths; but for the holding of those in common it would not have existed, and they only afforded a permanent bond, and created mutual sympathy. The Socinians who in theory regard mere opinions as non-essential, have the strongest tie of brotherhood in the ideas that separate them from the rest of Christendom. Yet as their theory is inconsistent with this feeling they do not admit it to others, perhaps not even to themselves, and therefore cannot judge how other men feel it with regard to dogmas. Their system is what is called natural religion and, to whatever extent they may explain and exemplify it from the teaching and life of Christ, it can scarcely be treated as anything beyond philosophical theism. Christianity is regarded by all other believers as a revelation of miraculous facts, and of doctrines beyond the discovery of reason or perfect elucidation by it, and piety is the state of mind and habits of life which, by God's grace and under divine influences, result from faith in those facts and doctrines. The notion of religion without dogma is to them self-contradictory. The founders of their various communities, without pretending to infallibility, believed that they were in possession of truths necessary for salvation, and also that their respective notions of church government, methods of worship and preaching, and religious observances generally, gave them peculiar advantages in labouring to advance the kingdom of Christ, and this belief it was which induced them to organize their denominations and provide them with ministers and places of worship.

The case of the English Presbyterians as we have seen was most singular; they scarcely formed a separate body until after the Restoration, and on the Revolution they gave up all that was distinctive in their church government for that of the Inde-



pendents, except as they approximated to the open communion of the Establishment. If they had not only given up the Presbyterian polity, but had also so far receded from the doctrines of their revered Assembly as to have renounced the idea, (underlying all creeds and articles), that there are fundamental truths in Christianity, and to have adopted instead of a faith the habit of questioning, upon every suggestion, any tenet they professed, they would not have burdened themselves to build chapels, and to raise yearly stipends in support of such a system of non-belief.

At that time a new denomination was not needed in England to carry free enquiry into practice. The establishment then allowed its priests to preach any doctrine, so that they read the forms and observed the rubrics of the prayer book, and its laymen, so that they kept away from conventicles, might profess any kind of misbelief or disbelief without being interfered with by their fellow worshippers, or occasioning any serious scandal. No unestablished system could allow such license in ministers and people without coming to a speedy end, but must preserve to a great extent unity of belief, or it would be torn to pieces by internal dissensions, if its professors felt sufficient interest in it to endeavour to keep it up. A state church only, with its endowments, monopolies, and prestige, could insure such indifference to doctrine in the laity as to permit this license at least to the clergy. Accordingly we never find it among Socinians, for the defendants in the Wolverhampton case in their answer correctly stated their principle and practice to be that any person disagreeing with the congregation should leave it. Mr. Steward was dismissed for his free enquiry, and so it has been in every case with a minister and must be so. Where any variety of opinion exists in a congregation each party views the minister as being, practically or in the main, on their side. Philosophic minds caring only either for their own liberty, or for the progress of others in free speculation, would carefully have avoided the trammels of a new voluntary sect, and would have hailed the Establishment as the best method for promoting the freedom of individual minds, and the mutual toleration of contrary opinions by men working together, which the constitution of things admits of. This is just the praise which thinking men in the state church at the present time claim for it. Newton and Locke, of whose heterodoxy the Socinians have, very excusably, made so much, found no reason to leave the Establishment, although they seem not to have made any secret

of their opinions. Clarke was by no means a rare instance of a known Arian dying in a national benefice. But in addition to these considerations, at the period to which these remarks apply the great latitudinarian divines who were reared in the free and invigorating times of the commonwealth and protectorate, and trained in the universities, then in their glory as to all matters connected with theology, were advancing to the high places of the church; and when they failed in their scheme of a comprehension, they would have given such converts as the Presbyterians a heartier welcome to the national temples than would have been accorded to them at any other time.

If the Presbyterians had been indifferent to their doctrinal principles they never would have subjected themselves to the penalties of nonconformity before the Revolution, nor would they have endured the disabilities and ill-will which the law and the state of public feeling alike perpetuated as the heritage of the Dissenters, even after they had obtained toleration. They could have had no other reason for building their chapels than that they might again hear for themselves, and might preserve as living truths to the coming generations, those old doctrines which the Act of Uniformity had well nigh, though not to the whole extent which its authors intended and trusted, banished from the Establishment, but which had consoled themselves amidst all the miseries and vicissitudes of the civil war, and that persecution, which was all that the setting up of the old institutions, though chiefly their work, had in store for them. It really is too much to tell us that these men foresaw that their form of belief was destined to crumble away piecemeal in a generation or two, and that their chapels were intentionally and carefully settled, so that each succeeding generation might use them to propagate any tenets which their congregations might decide.

To any one who is acquainted with the accounts left of these Presbyterians by friends or enemies, or who has read their earnest writings, it is absurd to suppose that men of such precise and formal notions and habits, and such plainness and gravity of speech, could have been persuaded that all their thoughts and belief were on the point of being exploded by the spread of truth and knowledge. If they were convinced of any one thing it was that they were in possession of the truth for themselves, and were bound to take thought for its preservation after their own time. The chapels were built and the endowments made by laymen,

and it is clear that the laymen everywhere remained attached from conviction to the old faith long after students had returned from Findern or Daventry tainted with the heresies which were taught or permitted to be studied or discussed there. But we have not here to do with later times than those of William and Anne. There is no trace of any opposition to the clauses in the Toleration Act excepting Non-Trinitarians from the benefit of its provisions, on the contrary there is every reason to suppose they met with general support from the Dissenters. We have seen what reception Emlyn's candid preaching met with. In the common course of events most money is given in charity, certainly all very large benefactions are made, by men and women when advanced in years, and when their opinions, if they have not changed their denomination, are those which were in vogue in it forty or fifty years before. In default of other evidence, and in the absence of disturbing circumstances, to know a man's opinions we should ascertain what his denomination believed when he was twenty-five. Let these rules be applied to Presbyterian founders, and it is easy to decide whether their governing principle was to preserve to the congregation the right to keep a chapel after adopting a form of belief contrary to that which they themselves had listened to.

As the proposition relied on by the Socinians is utterly inconsistent with the conduct generally pursued by men in matters of religion, and is entirely at variance with the character of the men with respect to whom it is asserted, we have a right to require the most convincing evidence of it. We may insist that the point shall be decided by the trust deeds. The old Presbyterians had among them both ministers and laymen of large experience in all matters relating to their denomination, and the bearing of English law as to religious foundations, and endued with all the sagacity which men acquire in civil war and revolution. They knew that the adiaphorist view of doctrines was not only new but opposed to the fundamental principles which had up to that time guided all ecclesiastical bodies alike, all, whether orthodox or heterodox, had agreed in regarding the faith professed in every new system as its soul, to which its founders must give oneness and vitality, if they wished their institution to be permanent. English judges so much regard fixedness and permanence as the characteristics of English charities, that the clearest expressions would scarcely give trustees the right to make or sanction

a departure from the usage of the founders and their generation. It was matter of notoriety, and indeed of history, that the Presbyterian body so far as it was developed in England during its short ascendancy, and still more so that the church called by the same name in Scotland during each period in which it had been dominant, had been distinguished among the Reformed communions by the minuteness and rigidity of their creed, the arrogance with which they had claimed to be in exclusive possession of the truth, and the intolerance with which they had sought to prescribe even the thoughts of those who submitted to their sway. If by the Revolution their system of theology had undergone so radical a change that they then held that no doctrine of religion was essential, and that their congregations had a right to retain their chapels whatever opinions they adopted, they would have taken care to secure this right to them by the most explicit provisions. They would have seen that if they did not introduce into their deeds clear stipulations to this effect, their intentions would have been mistaken, and the courts would have decided that their foundations should perpetuate the rigid notions and intolerance of those who had previously borne their name in England. There had not been between the times that Presbyterian worship had been celebrated in the cathedrals and the time that the old meeting-houses were built, a sufficient period of liberty and quiet for any new system to have been laid down and observed. They would have been advised that the law would take no account of any opinion which the few congregations meeting by stealth during the persecution had found it convenient to possess, or politic to adopt, and that the only Presbyterians which it would recognize would be those of the Long Parliament and the Westminster Assembly.

Giving the power over a chapel to the seatholders for the time being would not have violated any rule of law, however novel such a provision might have been, as in legal intendment lawful doctrines and worship only would be contemplated.

A body formed expressly to promote free enquiry, and caring chiefly to preserve the rights of future congregations, would have proclaimed their novel and startling opinions and intentions so fully and formally as to leave no doubts respecting them.

Notwithstanding the Presbyterian chapels were built by hundreds, and were scattered all over the kingdom, and though there was no more concert or combination among them than

among the congregationalist churches gathered at the same time, during all the litigation there was not brought forward a single trust deed which recognized the right of a congregation to change their opinions without forfeiting their right to the chapel; and it is submitted that this circumstance is conclusive that the founders intended, as other founders have ever done, to promote their own opinions, and had no intention to leave their chapel at the discretion of the congregation for the time being, when by artifices of the minister, by the fatal corruption of the times, or by decay it had become changed from what they knew it. This intention if it had existed must have appeared in some one or other of documents so numerous. Every deed which on examination is found to contain no reservation to the congregation of such a power adds greater weight to the argument than any previously produced. Nor can it be justly urged that evidence is obtained from testimony, not from silence. Negative evidence is furnished unconsciously, and is above suspicion. An assertion shows a wish to induce belief, and therefore a motive for misrepresentation. Inferences from what men would have done if they had had a particular intention, but did not do, produce the strongest conviction of the non-existence of that intention, and form no small portion of the common sense of mankind. Most of the trust deeds provide for the case of the worship they are designed to promote being again prohibited, many of them referring expressly and others unmistakably to the recent Toleration Acts, and if a power to vary the nature of that worship had been intended we may be sure it would have been restricted to the limits of the law. The supposition in which Lord Cottenham indulged, (in a debate which will be particularly referred to), that illegal worship was intended by the founders of the old meeting-houses, is entirely at variance with all the evidence we have on the subject, and with all the publications issued on the side of those who instructed his lordship. That a congregation avowedly Arian might assemble without danger is shown by the formation of such under Emlyn and Pierce, and no evidence whatever has been given that by 1720 the occupants of any one of the old meeting houses in England had, as a body, become secretly heterodox.

The vagueness of the terms employed in the trust deeds of the old meeting-houses, and particularly their silence in reference to doctrines, has been insisted on as proof that the chapels were not intended to be dedicated to the support of any particular system

of divinity. The answer is that there was no need to say what doctrines were intended to be promoted, because there was no diversity of opinion among the Nonconformists of that day, for with the exception of the small number of General Baptists they all were Trinitarians and Calvinists. The old faith of the Puritans had come out of the persecution unchanged (except that it had become allied with tolerance), while all the heterodox sects which swarmed in the ignorance produced by the overthrown prelacy had perished, with the exception of the Quakers. This consideration seems to have relieved the Presbyterians from all apprehension of danger to their faith in the future. They trusted to carefully training and testing their ministers, and to the noble catechism composed by the divines who assembled at the call of the Long Parliament. The importance which they attached to their theological system, in all its completeness and sternness, was shown by the care with which they taught this summary of it. It could not occur to them that, with the testimony borne to the truth by every page of their history, and with all the volumes reiterating their faith, with all the formality of the schoolmen, or all the fervour of the Reformers, there could be any doubt as to the doctrines which they intended their foundations to promote. They did not refer to the Assembly's confession, for they could not think it would ever be strange to the lips of those who should worship within their chapels, much less did they anticipate that any question could be raised as to the importance which they themselves attached to the truths it embodied.

It must not, however, be supposed that the English Presbyterians have not in any of the deeds or wills, by which they founded or endowed chapels or schools, left indications as to the faith which they designed their property to promote, or that any precautions of that kind have deterred Socinian trustees from employing the chapel or the school to teach their own opinions instead of the founders'. In documents relating to schools at Kenilworth, Knowsley, and Platt, the Assembly's Catechism is directed to be taught, and the trust deeds of the chapels at Cockey Moor, Knowsley, Platt, and Foxteth Park Liverpool, or of endowments connected with them, declare a trust for dissenters holding the doctrinal articles of the the Church of England. All those places are or have been in the hands of Socinians, and it is needless to say without the articles being followed or the cate-

chism being taught. One single instance of this kind known to that denomination, and not protested against and remedied, must evince or produce a laxity of principle for which we should not be prepared, if religious endowments did not seem everywhere to paralyse the conscience in one way or another.

With regard to church government, the Presbyterian founders of the old meeting-houses, really put in practice no distinctive principles, and there was no reason for their being more explicit in their trust-deeds. They had abandoned Presbyterianism, and adopted in great part the methods of their former rivals, the Independents. They had done more; they had entered into a union with them which, though broken up in London, continued throughout the rest of the kingdom in complete efficiency during the whole chapel-building period; and notwithstanding this separation, a London congregation was considered Presbyterian or Independent according to the Board of Ministers to which its pastor for the time being attached himself. It is easy to shew that the choice by a congregation of either of these denominations of a pastor belonging to the other of them involved no sacrifice of principle, and no important variation of practice on either part. Open communion, as in the Establishment, was not practised among the Presbyterians of the time of the revolution. The communicants were admitted by the minister alone, or by the minister and elders. In many cases they signed a church covenant containing their faith and pledging them before God and each other to maintain it. Oliver Heywood tried this plan at Coley, while he held a national benefice, but could not succeed. The plan was carried out when the voluntary principle was adopted. When once admitted the communicants seem to have been a recognized body, apart from the congregation, they so far formed a church, though they seem to have had no church power. An Independent becoming their pastor could propose or mention to them when assembled admissions to the communion, so as to satisfy himself and substantially carry out his own principles. A Presbyterian pastor of an Independent church by stating to church meetings, (which for the most part would be devotional services only), what he had done as to matters of government, would in most cases satisfy a church of the first, or at any rate of the second, generation after the stiff and unyielding congregationalists of Cromwell's time. This last state of things is what has happened in several Inde-

pendent churches in modern days, without further notice being taken of it than the remark that the minister went on the Presbyterian system, and it arises whenever the minister takes upon himself to admit to the church. Indeed the manner in which many Independent churches, flourishing alike in good works virtues and numbers, have regulated admissions by referring all enquiries connected with them to a small circle of deacons and senior members, always selected by the pastor, has occasioned some persons to express doubts whether those churches ever really acted in such matters. Certainly their proceedings were very different from those of the first churches of the order, or of the more democratic ones of our day, especially among Baptists. It is not intended to insinuate a reproach against the churches referred to, for every function was more effectively discharged, and every object more perfectly secured, in them than in more pragmatistical ones, but only to repeat what rigid congregationalists said of them. The practice of a minister of one of these denominations becoming pastor of a church belonging to the other of them, has long been habitual in the United States. There a Presbyterian minister chosen by an Independent church joins the Congregational Association, and an Independent becoming the minister of a Presbyterian congregation is admitted a member of the Presbytery of the Bounds. In both cases all church matters go on as if the congregation had a pastor of their own church order. Nor must it be supposed that in the Independent churches there is the inquisition into personal belief which has been represented. A man may be by conviction an Episcopalian or a Presbyterian, and yet be a very good church member ; a deacon of Dr. Fletcher's church had been and still described himself as a Lutheran minister. An Arminian would not be rejected, and the expression of exact Athanasianism is not insisted on, although a person denying the deity of Christ would not be received. Nor do any leading churches insist upon requirements in proof of personal religion which any one who really desired to enter into their fellowship could fairly pronounce unnecessary. Yet they are represented by the Socinian as destructive of spiritual liberty and individuality, and by the rigid Presbyterian as hotbeds of heresy and discord. These contradictory charges destroy each other's credibility, exactly as a contrast of the portraiture by the same parties of the first Presbyterians, and an examination of the arguments by which they are supported, proves that the modern



Independent is the nearest approach to the English Presbyterian of the time of Queen Anne which can be discovered or even imagined. Slight changes in either party would make them identical.

Many of the old meeting-houses were built before the circumstances here detailed had become matters of experience, but the principles which eventually produced them were in full and conscious operation, and therefore in some cases the trust deed declared that the chapel was for the use of Protestant Dissenters, with the intention that one or other of the two systems should be adopted as might be determined subsequently, and might be afterwards changed again if this appeared best. As we have seen bodies of both communions originally joined in forming a congregation and building a chapel, or subsequently coalesced, and no doubt, in these cases more often than in others, ministers were chosen from either party indiscriminately. In some deeds, very likely in most, "Presbyterian" is used as synonymous with "Protestant Dissenter" but it may well be that in many it was used to denominate Presbyterians as distinguished from Independents, but even then the Presbyterianism it denoted was practically congregationalism, and might be preserved and properly administered under the pastorate of an Independent. But whether the term was used in the stricter or more comprehensive sense in respect to church government, from 1688 to 1720 it conveyed to everyone acquainted with Nonconformist matters the additional notion of Calvinist and Trinitarian, for no other kind of Presbyterian congregations had then been known unless it were Emlyn's, if indeed he called by that name the small and shortlived body which he gathered under the disfavour of all others so denominated.

In accordance with these statements land at Hapton Norfolk was in 1722 conveyed as the site of a meeting-house for Dissenters of the persuasions called Presbyterian or congregational. The earliest deeds relating to the chapel in Angel Street Worcester which are held by the congregation, (the previous ones were expired or surrendered leases under the Corporation), speak of it as Presbyterian or Congregational. A congregation at Marshfield Gloucestershire was in 1699 called Independent, in a later trust deed it is called Independent or Presbyterian. In a deed of 1710 relating to a chapel at Windle, Lancashire, the expression occurs, "Presbyterian ministers usually so called in a large sense as compre-

hending Protestant ministers dissenting from the Church of England." In a deed of 1719 relating to a chapel at Norwich, Lancashire, the words used are, "ministers such as are usually termed Protestant Dissenting Ministers or Presbyterian Ministers."

If it is asked why the denomination retained the name of Presbyterian, after having given up the polity so called, it may be answered, that the word originally conveyed no other idea than that of the parity of all ministers of the Gospel, in opposition to the system of prelacy, just as that word indicates the contrary notion, and that they saw no reason why they should resign a name which was descriptive of the main principle for which they contended.

So far as published accounts go, the trust deeds of the Independent chapels built within the twenty years following the passing of the Toleration Act did not contain any provisions as to the doctrines to be preached in them ; and what is more singular, the Trinitarian seceders from Presbyterian congregations were not more precise and careful with reference to the chapels which they founded. It will not be pretended that these seceders, or the first Independents, were not sufficiently zealous for their opinions, and as they did not specify doctrines in their deeds, no inference can be drawn from similar silence in those of Presbyterians of indifference to the matter on their part. The practice of both the Presbyterians and the Independents shows that they trusted to the rule of law, that the simplest form of trust for the benefit of a particular denomination is tantamount to a detailed statement of the principles and practices, especially the doctrines, by which it is characterized. Can it be denied that a trust for the Establishment is just as definite as if the prayer book was expressly referred to and so incorporated with the deed ? All particulars which have been stated in the foregoing pages in reference to the Presbyterians were certain and ascertainable by the Court of Chancery and therefore were sure to be established by it in respect of their meeting-houses, and there was no need to express or refer to them. Knowing that this was the case the Socinians found themselves under the necessity to lay down the position now being discussed, that the Presbyterians did not hold any particular doctrine, whatever its nature, to be essential to Christianity. The deeds of the old meeting-houses afforded no proof to this effect, but conclusive negative evidence to the contrary ;

they therefore brought forward none of the deeds in their power, but turned to the works of distinguished men of that body whom they would fain liken to themselves.

The chapel building period, as already mentioned, is most correctly stated as the twenty years following the passing of the English Toleration Act of 1689, and 1710 may be taken as the close of it. It happened also that the date of Lady Hewley's last foundation was 1707. She seems to have advised with her trustees as to her charities, and to have been particularly guided by Dr. Colton, her own minister, and the Rev. Richard Stretton, of Haberdasher's Hall, London, both leading men in the Presbyterian denomination and the general matters connected with it, so that her foundations may fairly be supposed to have been intended to support Presbyterianism, as it then existed in England, and not any peculiar notions of her own. Accordingly it was admitted by both parties in the litigation that the point was to ascertain the opinions of the Presbyterians during the latter part of her life. The Socinians brought together all the quotations from Presbyterian authors which seemed to them to suit their purpose, and interwove with them a narrative and argumentative statement placing every circumstance in the light in which they would wish it seen, and giving such a comment upon every quotation as favoured their side of the question. This compilation was prepared for the hearing in the House of Lords, printed in folio, and entitled in the cause as if one of the appeal papers. The cover bore in addition, "Historical Proofs and Illustrations." The title page stated the Proofs to be no part of the case. The counsel for the appellants quoted it without remark as if authoritative, but one sentence from Mr Knight Bruce put it upon its proper footing, and if it was afterwards referred to without further question or objection, so also was Mr Joshua Wilson's book, which, singular to say, was as efficient a corrective of the quotations in the folio pamphlet, as it was of the two previous octavo pamphlets, in reply to which it had been published.

These Proofs are therefore to be considered as the final authoritative statement of the Socinians' case, published to justify the morality of their claims, by historical evidence apart from technical reasons. They also formed their counsels' brief as to this part of the case. It is therefore only fair to state the pith of them here, and it is hoped that the reader will not complain of the space which that statement will occupy, as it will enable him to judge for him-

self of the whole matter. He will read the words of the old Presbyterians which the Socinians relied on, and he will find their comments still more instructive. He is urged to weigh every word of every sentence contributed by the compilers of the case, for they all were carefully chosen, if not to convey a definite meaning, to produce one particular impression, and the most pregnant inferences are to be drawn from the matter and the manner of them. The part devoted to the main argument is given without the omission of any quotation or remark which appeared to carry the statement of the case or the reasoning upon it further than what had gone before it, and all other sentences which seemed to bear upon the question discussed in these pages will be extracted in their entirety.

**OBJECT AND GENERAL VIEW OF WHAT IS MEANT TO BE SHEWN.\***

—The grounds on which the trustees appeal are set forth in the appellants' case, but as it was inconvenient if not impossible to set forth in that case the body of historical evidence respecting the opinions of that portion of the Nonconformist body to which Lady Hewley, the foundress belonged ;—opinions which it is submitted are wholly inconsistent with a decree which fetters religious enquiry, precludes the free study of scripture and in fact imposes a creed on those whose first principle it was that they would have no creed ; opinions also which led as their natural and foreseen consequence to the state in respect of doctrine in which the trustees and the ministers who are deprived now stand ;—the present supplementary document has been prepared ; in which it is proposed to set forth, from the writings of persons best qualified to afford the information which is here required, passages showing the spirit and opinions of the persons by and for whom these trusts were established ; which may serve to guide those who have to adjudicate upon it to a just determination of this very important question. p. 4.

It may be observed in limine that it is not intended to show that Lady Hewley in 1704 and 1707 was reckoned among the persons who in those days were called Unitarians. There is in fact not sufficient evidence to show what her opinions were in respect of the mystery of the Trinity, or of the doctrines connected with it ; nor is there sufficient evidence to shew what were her opinions on the point of Original Sin or the doctrines which are connected with the Fall. In fact it is submitted that there is an utter failure of proof of the opinions

\* The passages in smaller type are extracts from the Proofs, though not marked by inverted commas, which are used only to distinguish quotations in the Proofs. A few words of connexion, and digests of quotations are interspersed, but all statements in smaller type, either of facts or opinions, are from the Proofs.

on points of controverted theology which this lady held ; while from the comprehension of her charity, and the wide dispersion of her alms, which were scattered liberally within the pale of the church itself, as well as among the Dissenters from it, there is every ground of presumption that her mind did not dwell so much on the points on which Christians differ, as on those in which they are agreed. It is however submitted that there is a deficiency of evidence as to what really constituted the theological creed of the foundress ; not using evidence in its technical sense, as applicable to what has been introduced in former stages of this proceeding, but allowing it to represent everything that can now be recovered respecting her opinions. It is equally impossible at this distance of time to determine what were the precise opinions on points of controverted theology of the ministers and other gentlemen to whom she committed the administration of the trust at the beginning ; though we shall afterwards see that they were not the strenuous supporters of orthodox sentiment, but the favourers of those who were declining and had declined from it. It is not however contended concerning them that there is evidence that they were in theological opinion what is now accounted Unitarian, or precisely what their more immediate successors were. What is contended for is this, (1) That they, and the body of Christians to which they belonged, did not lay that stress upon points of faith which is implied in the decisions that have been pronounced ; that they looked more to an elevated piety of heart, and to a comprehensive charity and benevolence, than to the propagation and support of any particular theological dogmas ; and sought rather to induce in the world the spirit aptly expressed in the words of the prophet, by 'doing justly, loving mercy, and walking humbly ;' or in those of the apostle, 'Pure religion and undefiled before God and the Father is this, to visit the fatherless and widows in their affliction, and to keep oneself unspotted from the world ;' than a zeal for any speculative point of faith or any particular view of the doctrine taught by Jesus Christ and the Apostles ; and that their intent therefore may be said to be satisfied if the trustees are administering their bounty with regard to those objects, united with the reception of the divine mission of Christ, and the authority of the Holy Scriptures. And further (2) That at the date of these foundations, that spirit of freedom which had actuated the body in all periods of its history, which had repudiated the authority of Bishops, and broken down the royal prerogative, manifested itself in the new position in which they were placed by the Acts of Uniformity and Toleration, in a resistance to the imposition of confessions of faith, and everything that bore the appearance of placing a yoke on men's consciences, or fettering them in their investigation of scripture truth ; and that they adopted in its fullest extent the principle which is so connected with the name of

Chillingworth, that to the Bible only should a Protestant subscribe. And further (3) That in carrying out this principle there was in the Dissenting body, the contemporaries of Lady Hewley and her original trustees, a wide departure in many from opinions commonly called orthodox, and a very general reception of opinions, in which the doctrines of the Trinity and Original Sin, as commonly professed, find no place ; so that if the decision pronounced by the Vice Chancellor rests on a just view of the intent of the foundress, the trustees and beneficiaries nearly at the beginning ought to have been removed by a decree of the Court : though in fact no appeal was ever made to the Court on this subject while the founders, [qu. foundress] the original trustees, and their next successors were living, but has been reserved to this distant day, when the evidences of intent it is so much more difficult to recover.

For the right understanding of this great question it is important to keep in mind that in the Nonconforming body there were two distinct parties, the Presbyterians and the Independents, (or Congregationalists as they sometimes styled themselves). Whoever is acquainted with the history of those times knows that these were rival and hostile parties from the beginning. Their objects and intents were different. The Independents were to the Presbyterians what the Dissenters generally now are to the Establishment. But as Churchmen sometimes now act with Dissenters for public objects common to both parties, so the Presbyterians acted with the Independents for objects common to both, and in 1691 an attempt was made at a former [qu. formal] union. But still each party had its own peculiarities and separate existence. In one important respect, however, the Presbyterians in general came to adopt the notions of the Independents. When their hope of seeing a Presbyterian hierarchy established was become extinct, they adopted the Independent mode so far as to have each of their congregations independent and separate, managing its own affairs without acknowledging any right of interference anywhere ; and the assemblies or meetings of the ministers, which began in 1691 and were generally kept up, wearing some appearance of Presbyterian discipline, were merely voluntary and powerless associations. The great distinction then came to be in their notions of the comparative value of faith and practice, and of authoritative creeds and proper freedom of inquiry. Both originally, that is before the Act of Uniformity, professing a creed which embodied Calvinistic sentiments, the Independents generally continued to adhere to that creed, and to lay stress upon its doctrines, while the Presbyterians as generally relinquished that creed, opposed themselves to all creeds, except perhaps the simple formula of the Apostles' Creed, maintained that subscription should be required to nothing but the Scriptures, and placed piety and virtue before and above the disputed points of faith. There were

persons lying on the confines of each party who symbolized with the other party ; that is, some Presbyterians, remaining more disposed to orthodoxy than the majority in the congregations to which they belonged, withdrew themselves and joined the Independents, and some of the Independents, less orthodox than the majority in their congregations, joined the Presbyterians. Also some few whole congregations of Independents abandoned their original principle of adherence to the Calvinism of the Assembly's Catechism ; and some Presbyterian congregations remained orthodox ; but what has now been said may be taken as the general view of their relative position. pp. 6-8.

After quotations relating to the separation from the Pinners' Hall lecture it is said :

Arminianism was certainly the first step taken by those who quitted the strict faith of the old Nonconformists. But at the very earliest period, when we learn that Arminianism was making progress we find it jealously watched as connected with a tendency to further laxity, even to Socinianism. p. 8.

It is of importance to observe the date of these controversies which prevented the coalescence of the two principal bodies of the Nonconformists, and gave us two great sections, the one with a leaning forwards from the doctrines which had formerly been common to the whole towards the point of Unitarianism, the other backwards towards the point of Antinomianism. It was in 1694, that is ten years before the date of Lady Hewley's first foundation. p. 10.

Next follow testimonies as to the enlarged spirit of the early Presbyterians, 1689-1709, here postponed to the end of the extracts.

GENERAL RELAXATION OF DOCTRINAL OPINION.—That Lady Hewley did not intend to bind down the future recipients or administrators of her bounty to any particular system or creed, is to be argued not only from the spirit of charity, liberality, and moderation, which distinguished the Presbyterian section of the nonconforming body at the time her foundations were made, but from the then state of the Christian world, and from two great and commanding principles which the Presbyterian ministers and laymen of those times had generally admitted. These two principles were, The duty of resistance to authority in matters of religion, and The duty of receiving nothing but the Scriptures as the rule of men's faith and practice.

The era of the earlier Presbyterian foundations, which we may fix at from 1689 to 1709, was a period when the minds of men were beginning to regard with great distrust the conclusions at which many of the early Reformers had arrived, especially the Calvins and Bezas of the Geneva school, without going back to the controversies at the dawn of the Reformation, or even to the Remonstrant controversy in Holland, or to

the Calvinian and Arminian controversy in the Church of England in the time of Archbishop Laud, it is indisputable that the writings of Grotius, and after him of Le Clerc, upon the continent, had begun to produce a very sensible effect on the protestant section of the Christian world ; to show the difficulties which environed truths which in the age before had been thought unquestionable ; and to give increase of confidence to those few persons, who, in the seventeenth century had fancied that they perceived in what is called the Socinian view, the true view of the Gospel of Christ. England had not been without divines who had thrown aside the Calvinian system, and exposed themselves to the charge of Socinianism. Such men as Bishop Jeremy Taylor, Chillingworth, and Hales of Eton had contended for the liberty of private interpretation, and at the same time had presented to the world notions of Christian truth which, to say the least, are very different from those embodied in the Assembly's Catechism, which in 1644 was the symbol of faith which the Presbyterians had sent forth, or in the Savoy Confession, the symbol of the Independents. Even Baxter was charged, (as Calamy states), with a leaning to Socinianism ; and in the disputes of 1694 this charge was openly made against the Presbyterian party in general. Objections to Baxter's theological statements had early emanated from no less a person than Dr. John Owen, (the great Independent leader of the 17th century), author of *Vindiciæ Evangelicæ*, written in confutation of Biddle's Arian Catechism, just published. And to say the truth, Baxter's later statement of the doctrine of the Trinity was far from being conceived in a strictly orthodox form ; inclining to a sort of Sabellianism. He speaks on the subject thus :

‘The Trinity of persons is such as is no way contrary to the perfect unity of the divine essence ; as the faculties of motion light and heat in the sun, and of vital activity intellection and volition in man, is not contrary to the essence of the soul. Yet man is not so perfectly one as God is.’ *Practical Works*, edit. 1707, Vol. IV., 630. Pp. 21-22.

The effect of the relaxation alluded to was to produce in the church a body of men of whom Tillotson may be taken as the type ; men who, though not to be justly charged with having renounced the doctrine of the Trinity, in some form in which it may be professed ; yet did not regard it as in that supreme position that the reception of it was essential to the profession of the Holy Gospel of Christ. Locke, in his *Reasonableness of Christianity* as delivered in the Scriptures, first published in 1695, had presented a scheme of Christian truth very unlike that of the exclusive party among the Dissenters, with whom his defence of their Toleration had made him popular, and had given no small weight of authority amongst them to his other writings. He was broadly and openly treated as an Arian, if not a Socinian, by his numerous oppon-



enti, while among the Presbyterians he was very popular, and was eminently influential in giving a decided turn to their disposition for relaxation of the ancient creed. His exposition of the writings of St. Paul had opened what was almost a new view of sacred criticism, entirely opposed to the Calvinistic views of the early Nonconformists, yet a view which at once commanded the assent of the enlightened part of the religious public; and the new and important principles recently unfolded in his *Essay on the Human Understanding*, first published in 1690, had taught men to know better than they had known before how to seek truth, and what are the means given us by our Creator for the purpose. Even the Baconian philosophy may be said to have begun by that time to extend its influence into the region of theological inquiry.

p. 22.

Persons who were attached to the old system brought from Geneva lamented the effect produced by this state of things, regarding it as the decay of Christian piety; while others, and among them were the moderate part of the dissenting body, regarded it as the purifying of Christianity from corruptions which it had suffered, [and] as the beginning of the reign of Christian truth and freedom, and considered such men as Tillotson as the finest models of the Christian divine. Burnet and Hoadley, and even Atterbury, may be regarded as belonging to this more rational school of divinity, men whose writings present a most remarkable contrast to those of the ministers of the puritan body in the age before them. pp. 22, 23.

In such a state of things a foundation made by one who looked with alarm upon this new aspect of the theological world, which was intended to encourage and support those who then, and in the time to come, were to be the guides of the people to the knowledge of the truth as it is in Jesus, could not have failed to contain some clause that would lay a restraint on that freedom of research, which was producing effects by the earnestly orthodox thought deplorable; and the just inference seems to be, that if in such a state of things such foundations are made, and no such provision is found in them, that it was not the intention of the founder to lay restraints on the men who were to be benefited; but that while he assured generally by the words 'Christ's Holy Gospel' that the preachers should be preachers of Christ, he left the particular mode in which Christ should be preached, and his Gospel understood, to the discretion and convictions of each generation of ministers, as it arose. But even that particular doctrine, which in this cause is assumed to be one regarded by the founder as of vital importance, and the reception of it indispensable in both the administrators and recipients of this charity, was in that age openly brought into question; and the preparation was laid for that renunciation of it, which, as we shall see, soon

afterwards took place. It was in fact the great controversy of the age. The dispute respecting the Trinity, in which South and Sherlock were engaged, belongs to this period. This dispute opened men's eyes to the difficulties which attend any explication of the doctrine. The same period is the age of Firmin, (a friend of Tillotson, though the great and active Unitarian of his day), who was remarkable at once for his extensive bounties, and for the zeal with which he sought to correct the public mind in reference to the doctrine in question. The Socinians of that time took advantage of the discussions going on in the church respecting it, to show the difficulties attending it, and numerous were the pamphlets which were printed and circulated. It was in the midst of all this that these foundations were made. p. 23.

These controversies not only brought the doctrine of the Trinity into question, but the faith of many serious and religious persons in it was shaken. Emlyn, a Presbyterian minister in 1702, avowed that he had renounced the doctrine, and become a Unitarian, (of the Arian division). Whiston, the professor of mathematics in the University of Cambridge, made in 1710 the same avowal, and had in fact, written in favour of Unitarian opinions as early as 1703.

And in 1712 Dr. Samuel Clarke published his *Scripture Doctrine of the Trinity*, which was condemned as being no Trinity at all; a book calculated to produce great effect on a body of men, who prided themselves on looking to the Scriptures as the great source of just information concerning everything that was to be received as a doctrine of Christianity. From that time Anti-Trinitarian sentiment spread rapidly through the Presbyterian body.

**PRESBYTERIAN OPPOSITION TO CREEDS, &c.**—Here then comes in the importance of paying attention to the principle which pervaded the Presbyterian body at the period of these foundations, of opposition to human authority, however ancient and venerable—to any other authority than that of Scripture; or as Mr Hallam well expresses it, 'The dislike to all subscriptions of faith and compulsory uniformity.' *Constitutional History*, Vol. III., 237, 2nd edition.

In like manner we must attend to the fact that they had no articles, no creeds, no confessions of faith whatever. Their position was, 'We do not profess to dissent from this doctrine or that, but we wish enquiry to have free course. We are confident that research in the books of Holy Scripture must, if anything, bring forth eventually the truth, or at least, that the Scriptures are the only pure source of divine truth. What it is, we do not pretend absolutely to affirm; but escaped ourselves from the tyranny of the Calvinistic creed in which we were educated, having found its errors in some points of great importance, we will not lay

restraints on the freedom of future enquiry ; but confident that the truth must ultimately prevail, we will leave the result to God.'

Quotations then follow from the following works :

Protestant Dissenter's Catechism. 13th edition, 1807, p. 24.

Rev. Micajah Towgood ; Minister from 1722 to 1782. Dissent from the Church of England fully Justified. 6th edition, p. 5 ; first published, 1746.

The History of Dissenters, by Dr. Bogue and Dr. Bennett. Vol. I, pp. 292, 295, 299, 303, 308.

*Earlier Testimonies.* Dr. John Taylor, who entered on his ministry in 1715. Defence of the Common Rights of Christians ; 2nd edition, 1742. pp. 17, 19.

Rev. Samuel Bourn, minister at Birmingham from 1732 to 1754. Catechism and Recommendation. [See p. 35 *supra*.]\*

Rev. John Newman, of London, Funeral Sermon for the Rev. John Barker, 1735. p. 24.

Dr. W. Harris, of London, Funeral Sermon for the Rev. Samuel Harvey, 1729-30. pp. 81, 82.

Rev. William Baker, Funeral Sermon for the Rev. John Walker, 1724. pp. 17, 30, 31.

Dr. Grosvenor, of London, Funeral Sermon for John Deacle, Esq., 1723. p. 18.

Dr. Jabez Earle, of London, Sermon at Ordination of Mr William Hunt, 1725. pp. 9-11.

Rev. Clerk Oldisworth, Confession of Faith at his Ordination, 1720-1.

Dr. Obadiah Hughes, of London, Confession of Faith at his Ordination, 1720-21.

Miscellaneous Testimonies of earlier date, and therefore perhaps of greater weight.

Rev. John Howe quoting Bishop Davenant, which will be given in a subsequent page.

Rev. Joseph Hallett, of Exeter, Reflections, 1720. p. 16.

Rev. James Pierce of Exeter, Sermon on Charity, extracted from Evans's Preservative, &c. pp. 152, 153. Reflections upon Dean Sherlock's Vindication of the Corporation and Test Acts, 1718. p. 45.

\* The extract from the recommendation reads oddly in reference to a Catechism. "The Three Catechisms here published by our Reverend Brother Mr Samuel Bourn we have perused, and can heartily recommend to the use of our fellow Christians. It is a pleasure to us that we find in them no addiction to particular schemes or human systems of divinity ; but the word of God and the nature of things are attended to through the whole with an unbiassed freedom ; nor is a party spirit in the least encouraged, but the religion of Christ is laid before young people in its original simplicity and native beauty, free from adulterations and mixtures."

Rev. Henry Grove, of Taunton, who died in 1737, Sermons. Vol. II., p. 420. Preface p. 39.

Dr. John Evans, of London, Funeral Sermon for Dr. Daniel Williams, 1716. p. 41.

The Rev. John Shower, of London, Funeral Sermon for Dr. Nehemiah Grew, 1712. pp. 16, 20.

Dr. Samuel Wright, of London, Sermon 'To be everywhere spoken against considered,' preached 1712. 'A Scripture religion—17 lines—to walk in his name.'

The grounds of Nonconformity as stated by Baxter in his Life. Rev. Edward Calamy's Abridgment, vol. I., 236 to 245.

Calamy *ibid*, vol. III, p. xv. xi. Comfort and Counsel to Protestant Dissenters, 1712. p. 36, 37. An account of Dissenters annexed to ordination sermon in 1717.

'As for religion they agree in making the Holy Scriptures the standard of faith, worship, and discipline ; disowning any power of men under any pretence whatever of framing or imposing any new articles of faith or new modes of worship.'

The Rev. Timothy Jollie, the tutor of an academy for the education of ministers, and himself a very eminent and influential minister in the very county in which Lady Hewley lived, in the funeral sermon for his father, 1704, who had been ejected in 1662, speaks of the Dissenters as persons 'who had reserved to themselves a liberty to reform according to Scripture rule in doctrine, discipline, and worship.'

It may to most of these testimonies be objected that they are subsequent to the date of these foundations ; but though in mere date of publication they may be subsequent, they are the testimonies of men most of whom lived at, and long before, the time when these foundations were made, for whom they were made, who had been educated and had formed their opinions long before, and whose principles were those of the founders, who were even themselves active instruments in the work of founding. No one can believe, nor is there the slightest ground for suspicion, that these venerable ministers, all in full career of usefulness, took up any new or sudden scheme of opinion or sentiment. They spoke the matured opinion and feeling of their body. We have fortunately in the case of Mr Bury [in the postponed section] evidence that the opinions he so freely avowed at the period from which most of our testimonies are taken, and which may be objected to as late, were the same as he, and no doubt his brethren around him, held also in 1702 ; and it is probable that nothing but the remoteness of the period deprives us of direct evidence as to the opinion of many others ; with regard to whom we are left to the general conclusions of probability, to be drawn from their education, and from the gross improbability that

opinions so generally and openly avowed were of any recent and sudden growth. Now it is submitted that the effect of the decree of the Court below would in fact be to defeat and destroy the principle for which the founders so jealously contended, and on which Protestant dissent by the confession of all parties is based. pp. 31, 32.

The quotation from Calamy given in full expresses the same meaning as all the others, and it is difficult to see why it should be pronounced remarkable. Of the authors cited, and also the ministers to whom the funeral sermons relate, all except Towgood, Dr. Taylor, Bourn, Hallett, Pierce, and Grove, were not only orthodox, but thoroughly evangelical men; and the heterodox portion were Arian only. Pierce described himself, Mr Joshua Wilson says, as a moderate Calvinist.

Newman and Barker were subscribers at Salters' Hall. The latter afterwards resigned his charge considering himself bound in honour to do so, on account of a change in his opinions, though that did not extend to his doubting the proper deity of Christ.

Drs. Harris, Grosvenor, Wright, and Evans, were non-subscribers, but according to Mr Walter Wilson were all thoroughly orthodox. Oldsworth was also a non-subscriber, he died very soon after his ordination, and very little is known of him.

Singularly enough the first and last quotations and the fullest statement of nonconformist principles here given, are from Independents; for Samuel Palmer, the author of the Protestant Dissenter's Catechism, and both the Jollies, the preacher and the subject of the sermon quoted, were all of that body, although it is represented in the Proofs as the opposite of the free and liberally-minded Presbyterians. So also the manner in which the History of the Dissenters by Dr. Bogue and Dr. Bennet, also Independents, was quoted in the Proofs and in the courts, is a high testimony to the correctness of its statements, the fairness of its comments, and its adherence to the true principles of English Nonconformity. The quotation from Mr Jollie must not pass without the remark that the doctrine there referred to as needing reformation was the Arminianism of which Land had been the chief promoter, if he had not introduced it.

PUBLIC OCCASIONS OF ASSERTION BY THE PRESBYTERIANS OF THEIR PRINCIPLE; AND FIRST AS TO SUBSCRIPTION. We are not to expect authoritative declarations of this or of any principle to be issued from

the English Presbyterian body in its collective character, like the confessions of the early Protestant churches, for the English Presbyterians were not so bound together in church fellowship, nor had they any delegates or representatives, any synod or presbytery who might consult together for the common rule or government and promulgate declarations and decrees for the general conduct of the body. They started on the passing the Act of Toleration without any such union delegation or authority. Indeed the very circumstance that they were held together in a bond of free interpretation of Scripture, the bond of the purest and most perfect Christian liberty, rendered it all but impossible for them to establish among themselves such an authority, or to give to any body elective delegatory power to promulgate rules for their internal government, as it manifestly also made it impossible for them consistently to promulgate confessions or articles to be believed. Whatever there was of this kind was but occasional and accidental, arising out of particular circumstances, and of these in the whole course of their history, only two instances are to be found. In these instances, however, we find them resisting the imposition of any particular form of Christianity, and adhering to their principle of the Scripture being the only rule. [These are described in the marginal notes as *Salter's Hall* question, 1719, and the petition for relief from subscription, 1773.]

Baxter subscribed, but under a strong protest, professing to explain certain articles, but explaining them in such a way as made his subscription a nullity. See his sense of the subscribed articles of religion in *Calamy's Abridgment*, vol. I, 469. Baxter was so tender of subscription that he even objected to a general subscription of belief in the Bible.

'Tis too much to require of him a subscription that he implicitly believes all that is in the Bible which you show to him because there may be errors in that copy. Nay, such subscription should not as necessarily be required of him to all the real word of God : for if by error he doubt whether *Job*, *Chronicles*, or *Esther* be canonical, I would not be he that should therefore forbid him to preach the Gospel. I'm sure the ancient church imposed no such terms on their pastors when *Ignatius* was chosen bishop before he believed the resurrection. What then shall we say of the Roman insolence ? Baxter's *Knowledge and Love*, p. 78. p. 35.

In the autobiography of Mr Fox, of Plymouth, published in the 16th volume of the *Monthly Repository*, (as quoted in a note to *Calamy's Life and Times*, vol. II, p. 412), it is said : 'Dr. Calamy took the first opportunity to tell me there was no occasion of subscribing at all ; no one would ever suspect an omission. He said it was his own case, he had never taken them and never was suspected.' It may be seen in the

printed works of Dr. Calamy that whenever he speaks of this subscription it is in evasive and ambiguous terms as respects his own conduct, and that he speaks of ministers who subscribed, others who subscribed under an explication and protest as Baxter had done, and of some who did not subscribe at all. p. 36.

Mr Wilson quotes the Doctor's expressions on the subject: "Had I not been satisfied as to that nothing would have prevailed on me to have subscribed that article;" "The very sense of the 8th article was given in by many of us as one explication of our subscription before we would be satisfied to subscribe;" "I hope you will not think I subscribed in my sleep." Those who believe that the Doctor had never subscribed when he used this language should not have relied upon his testimony to such an extent as the authors of the Proofs have done. Great stress had been laid in the courts below upon the necessity which the law imposed on Presbyterian ministers of Lady Hewley's time to subscribe the doctrinal articles of the Establishment, and thereby avow themselves Trinitarians, and it was met by this statement as to Dr. Calamy, and the remark with regard to all such ministers that "their subscription generally may be presumed to have been submitted to, only through the urgency of their situation, and to have been omitted in many cases." The Doctor however says, "no one would ever suspect an omission."

The secret history of the transactions with regard to the Dissenters on the revolution of 1688 is not easy to unravel. There is no question but that they got far less than they wished, less than the King even wished. The Dissenters in their first address laid their ground for a very unrestricted liberty. But it is well known that the strongest and deepest intrigues were used against them, and that they thought themselves well off to get what they did. Quotations are given from Calamy, vol. I, pp. 439, 424.

We have not denied that they were then generally speaking orthodox; and the articles of the church left scope enough (as is shown to this day) for interpretations ranging from Calvinism to Arminianism, the furthest point to which the Presbyterians in general had then gone; and they may be forgiven if they did not make the general principle of objection to all creeds a bar to obtaining rest and peace at the price of subscribing what, in fact, they then believed, though they soon found, (as in Calamy's case which shall be detailed), how inconsistent all such restrictions were with true Protestant liberty, and like him, (in the way just detailed by himself), quietly shuffled the obligation off where they could. The Irish Presbyterians, (it should be observed), were more

lucky ; they managed, unobserved as it would seem, to evade the imposition upon them of any subscription. p. 37.

It is true that the 'Articles of Agreement' come to about the Happy Union period recognize the doctrinal articles of the church as representing the common opinion of the United Body. And so in fact they did. But the parties made no subscription of them obligatory ; and it may be observed that after all the adoption of these articles instead of the Assembly's or the Savoy creed, is really rather a proof of differences than of union. Experience has shown that the articles leave many points open which the old Calvinists carefully closed. If the articles are as is contended, Arminian, their recognition would show great progress, not steadiness in opinion. This seems to have been the view taken by many at the time. pp. 37, 38.

All these formularies are referred to in the Heads of Agreement, but without doubt the Puritans and Nonconformists thought the Articles Calvinistic as far as they went.

It has not been generally remarked, (though the fact is so), that two years before the Salters' Hall vote among the Dissenters in 1719 an attempt was made legislatively to tighten subscription ; but that being warmly opposed by the friends of the Dissenters it failed in 1718. This took place on occasion of the progress through Parliament of the repeal of the Schism Bill. p. 38.

Though the clause in the Toleration Act requiring subscription remained unrepealed, the neglect of it became by degrees general ; the ministers being willing to suffer if necessary, as their fathers had done, in a point in which private conscience of duty was opposed to a persecuting statute, or trusting to the liberal spirit of the times under the rule of the princes of the house of Brunswick, that in such a matter where conscience dictated a violation or neglect of the law, the penalties of the law would not be enforced against them ; and so it proved. But they did not, nevertheless, cease to endeavour to obtain an alteration of the law. p. 38.

At length the efforts to get rid of the risk and burden were successful. A petition to Parliament was presented in 1773, signed by a vast number of Dissenting ministers for relief from their subscription, and when at last the legislature yielded and the Act 19, Geo. III, cap. 44, was passed, the declaration required of them in lieu of the subscription was a declaration of the free principle of Scripture interpretation for which every consistent Protestant Dissenter had so long contended ; and thus, in fact, the peculiarly Presbyterian principle of the whole preceding portion of the century was acknowledged and established by law.



‘I, A. B. do solemnly declare in the presence of Almighty God, that I am a Christian and a Protestant, and as such that I believe the Scriptures of the Old and New Testament as commonly received among Protestant churches, do contain the revealed will of God, and that I do receive the same as the rule of my doctrine and practice.’ pp. 38, 39.

**THE PRESBYTERIAN PRINCIPLES NOT SINGULAR OR UNREASONABLE.** The principle thus maintained by the Presbyterians of England was not a singular principle; nor that of a few heated, extravagant, uninformed and thoughtless, or even sober and speculative, but peculiar persons. It was a grave and long considered principle which was adopted by the whole body, and on reflection and deliberation, and which they held conjointly with a large body of members of the Church of England, both then and in subsequent generations. Dr. Samuel Clarke's *Scripture Doctrine of the Trinity*, 1712, Introduction. He afterwards refers to Archbishop Tillotson, Bishop Wake, and Chillingworth as having before him laid down the same principle, and he also endeavours to show that it is, in fact, the principle of the Church of England itself, of Protestantism, and of the earliest Fathers of the Church. It was therefore manifestly a principle which a wise man might own, and a body of Christians adopt. A prelate of the Church of England, Bishop Harl, has given it also his sanction. *Letter to a Young Clergyman*, 1721. [Passages are then quoted from Milton on *Ecclesiastical Cases*, first published 1659; ed. 1833, p. 415, and on *True Religion, Heresy, Schism, and Toleration*, first published 1673; ed. Symonds, Vol. IV., pp. 261, 262. p. 43.]

**EARLY PRACTICAL APPLICATION OF THE PRINCIPLE. CALAMY.** It was, in fact, what is often called the Chillingworth principle, that the Bible only is the religion of Protestants, which the Presbyterian ministers, and many in the Church had adopted. And that it came to them directly from the writings of that eminent person is probable in itself, but is made certain in respect of one of them at least by the record which he has left of the process through which his mind passed, when at an early period of life (in 1692) he debated with himself whether he would connect himself with the conforming or non-conforming body. This was Dr. Edmund Calamy. *Life*, vol. I, pp. 227, 232, 258, 342. *Dedication of Continuation of Account of Ejected Ministers*. Vol. I., p. lvii. pp. 44, 46.

The last passage from the *Life* should not have been detached from the explanation of it. Quotations follow relating to the Doctor's visits to Dr. Colton, at York, his journey in Scotland, his attendance at the General Assembly of the Kirk, and the censure of a sermon of his as latitudinarian, by the Rev. James

Webster, of Edinburgh. Vol. II., pp. 146, 152, 153, 155, 179. These passages shew that the Doctor was really no Presbyterian, but not, as alleged in the Proofs, that the standard of the Kirk was 'even then a widely different standard from that approved by the London divine and his brethren.' One of the Doctor's companions was Mr Baker, whose sermon is quoted in the Proofs supra, p. 71, and another was Mr Lavington, the Trinitarian leader in the Western Association, p. 24; a third was Mr Benjamin Bennett, to whom we shall have to refer particularly. On the Doctor's association with Bennett great stress is laid and apropos of it this sentence follows :

Though Calamy was himself a Trinitarian and has published in its defence, his practice is in the fullest accordance with the liberalizing spirit of the body to which he belonged. We find him in Kippis's *Life of Lardner*, vol. I., p. iv, "engaged in conjunction with a number of ministers in carrying on a course of lectures on a Tuesday evening at the Old Jewry, (the chapel afterwards of Dr. Rees, an Arian). Among these ministers are Drs. Lardner and Chandler, of the most notoriously heterodox reputation. Dr. Calamy, it may be observed, discoursed on the doctrine of the Trinity in the terms of liberality usual in his denomination. [A passage is then given which will be found in a subsequent page in the connexion in which it is quoted a second time.] It has been already observed that the appellants do not question Dr. Calamy's belief in the doctrine of the Trinity; what is contended for is this, that he would not have supported any doctrine by the restrictive terms of trust deeds, by decisions of courts of law or equity, or by any authority of fallible men. He would have it stand or fall by the consonance which men should perceive between it and the doctrine of Christ and his apostles, as to be collected from their teachings and writings in the Scriptures, and to be held no longer than while such a consonance was acknowledged.

It is respectfully submitted that the decisions of the courts below do infringe and destroy that liberty in which the Fathers of Presbyterian dissent rejoiced, and for which they made so many sacrifices; that what they did is by the decrees below undone; that their churches are made in Mr Locke's expression 'bird cages with trap doors' to admit indeed, but keep all fast when once in; that there is an authority imposed upon them which is above the authority of Scripture, and which must if the decree be suffered to endure, for ever deprive their descendants of their right to examine freely the Scriptures, and to act according to the light which those writings shall afford respecting the doctrine of Christ. It is also respectfully submitted that the decree, though it alludes in terms only to the doctrines of the Trinity and Original Sin, does in fact

prejudge most of the great and important questions of Scripture interpretation. It is, and was meant to be, a creed, and a very stringent creed, though expressed in few words ; and so reduces to a nullity the privilege which the nonconforming founders valued, and meant to maintain, of free and unfettered inquiry. Under the notion of supporting their intent, it does actually and absolutely subvert it.

For the appellants submit that there can be no free inquiry at the oracles of truth, if it is to be declared *ab extra* and previously what the responses must be ; that searching of the Scriptures is a mere nullity if men are to be compelled by decrees of courts of equity to find only certain doctrines there ; and doctrines too which men of great learning and integrity have in all ages since the Reformation began, regarded diversely and explained differently, and which so many have openly rejected ; that such a man as even Dr. Calamy would not have entered the dissenting ministry with such a decree over his head, authoritatively declaring what was the sense of Scripture ; that this decree is in fact the establishment among the Presbyterians of a set of articles of Christian belief, and does introduce a creed into every Presbyterian trust deed throughout the kingdom ; that their object in obtaining freedom from such impositions is thus entirely frustrated and defeated ; and that they are in fact bound for ever by this decree, should it be affirmed, in the bonds of a creed and confession, after all their efforts and all their sacrifices to emancipate themselves from them. pp. 47, 48.

CONTROVERSY AS TO WHAT SHOULD BE ESSENTIALS. Moreover if it be said of the doctrines of the Trinity and Original Sin that they are essentials, without which there can be no preaching of Christ's Holy Gospel, many will reply that this is an arbitrary assumption ; that so far from their being essentials many churches have professed and do profess Christianity without them ; that they have been at all times matters of debate and controversy amongst theological scholars ; that they are at best only circumstantials, doctrines which may be received or not, according as the mind perceives the balance of evidence to incline, without disturbing the reverential regard for Jesus Christ as the messenger and minister of God who is so pre-eminent above all other messengers that He may justly be called the Son of God ;—a sense of the proneness to err which is interwoven in human nature ;—and a joyful reception of the glad promises given by Jesus Christ of the Divine support and encouragement while in life in the discharge of our duty, of the pardon of repented transgressions, and of a blessed union at last with Christ and all the wise and good in the great Kingdom of the Father in heaven. p. 49.

This is supported by the following quotations :

Locke's Reasonableness of Christianity. Edit. 1824. pp. 187, 229, 234, 101, 105, 296, 230, 233.

*Pax Redux*, or the Christian Reconciler, being a project for uniting all Christians into one sole communion, 1688. pp. 63-65.

The Rev. J. Foster, of Pinners' Hall. [A Baptist minister of an Independent congregation.] *Essay on Fundamentals in Religion*. p. 8.

Bishop Watson's considerations of the expediency of revising the liturgy. p. 67, 78.

Professor Hey, of Cambridge. *Lectures*, vol. II., p. 41.

The appellants do not think it necessary to enter into the vindication of the principle and intent for which they contend, or to justify the consequences of it ; but it is submitted that there is nothing unlawful or unreasonable in such an intent, nothing that the law ought to control or destroy as being devoid of rationality ; that the policy of confining foundations to the support of peculiar doctrinal opinions, which the progress of society is continually modifying, is very questionable, and certainly not one which courts should carry beyond the expressly declared intent of the founder ; that there are great advantages to a community in having a public ministry in the hands of men of learning and attainment and piety, who are free to inquire and to receive and profess truth as it is discovered to them ; and that, however it may appear to individuals or to the courts below that the principle in question has led men astray, yet that this is not a point for their consideration and that it is at least an unreasonable stretch of authority to destroy the principle itself.

It is admitted that the principle may mislead, and in all probability will mislead some ; precisely as a church, the Romish Church for instance, or the Church of Geneva, as long as it was Calvinistic, may also mislead, by insisting on things to be believed that may at length be found to be destitute of Scripture or any sufficient authority ; but as this would not be a sufficient reason for the courts of law or equity to interfere with such establishments, so it is submitted that however wrongly the principle may have led any of those who have received it, the courts are bound to respect the principle itself, and to maintain in their original freedom the foundations made in assertion of the principle. How the Presbyterians of the time themselves felt in respect of persons whom they supposed the principle had led astray from the truth may be in part collected from the following passage in a tract entitled 'The Trinity of the Bible,' by Samuel Oldfield, the Presbyterian minister at Ramsbury, in Wiltshire, published in 1720.

'I am sorry any man should receive any ill treatment from the world who essays to bring more light into it by offering in a humble and friendly way what he thinks in the darkest points of our holy religion.

If he miss it, his good will was nevertheless, but his unhappiness therein so much the greater. He has a just demand upon us to have our pity and good offices, instead of being exposed either by our pens or tongues to harm and obloquy.'

Such was the sentiment of one of Lady Hewley's contemporaries in the class of Christians to which she belonged.

We will close this part of our case by showing that although Dr. Calamy cited Chillingworth as the powerful advocate of the principle by which his own course was directed in the great crisis of his public life, yet that he might with equal propriety have cited the opinion of Baxter who also rested on the principle of the Bible only. [The passage from the Saint's Rest to be found in a future page is there quoted.] p. 52.

THE PRINCIPLE APPLIED TO PRESBYTERIAN ACADEMIES. It has been seen in some of the passages already quoted that an acknowledgment of this principle was made by several of the young ministers at the time of their ordination. It must be borne in mind that there were always assembled on such occasions the elder ministers in great numbers, many of whom were in the course of their education, many in the discharge of their ministry, when these foundations were made, and whose opinions were in the main reflected in the avowal made by the candidates before them. But there is also historical evidence that the spirit of freedom of theological inquiry and the assertion of the authority of Scripture only in opposition to creeds, articles, and confessions was inculcated in the academies from whence the congregations were to be supplied with their pastors or ministers. On the expediency of this mode of procedure it does not appear necessary to affirm anything, the question being, not what was expedient, but what was actually thought and done by the Presbyterian founders. But as remarks have been made in the progress of this case on the mode of theological instruction in the Presbyterian academies, it may be observed that either course of theological instruction, whether in the spirit of inquiry or of dogmatism, is open each to its own peculiar objections ; since if it be said on the one hand, that it is inexpedient to submit questions of so sacred a nature to the free censure of inexperienced and but half-informed minds, so on the other it may be urged that if the system of theology which is inculcated should happen to be erroneous and unscriptural, the mind of the student is prepossessed with error out of which he may not in the whole course of his subsequent life be able to extricate himself. And this consideration has led many persons, not of the English Presbyterian body only, but in the English and Scottish Churches, to think that the freer mode is the better mode ; of whom may be particularly named the late Bishop Watson and Professor Campbell. The former has approved and reprinted in his Theological Tracts the plan as to instruction, which

we shall notice hereafter as first used and published by Dr. John Taylor, (before mentioned as an Arian Presbyterian, whose career began in 1715), and adopted by the defendant, Mr Wellbeloved, in the academy at York.

A letter is extant and has been often printed, written by Secker, (who afterwards conformed and became Archbishop of Canterbury), when he was a student for the Dissenting ministry in the academy at Gloucester, conducted by a learned Presbyterian minister, Mr Jones. In this letter he says :

‘We pass our time very agreeably between study and conversation with our tutor, who is always ready to converse freely of anything that is useful, and allows us either there or at lectures all imaginable liberty of making objections against his own opinions, and prosecuting them as far as we can.’

This letter was written as early as 1711. It was addressed to Dr. Isaac Watts, a man of celebrity in the Dissenting body, and was first published in Dr. Gibbons's *Memoirs of the Life of Dr. Watts*, p. 346. Earlier than that period it is related of Mr Warren, one of the ejected ministers who conducted an academy at Taunton, in Somersetshire, that ‘though bred himself in the old logic and philosophy and little acquainted with the improvements of the new, yet he encouraged his pupils in a freedom of inquiry and in reading those books which would better gratify a love of truth and knowledge, even when they differed widely from those writers on which he had formed his own sentiments. He encouraged the free and critical study of the Scriptures on the best system of theology.’ Preface to *Grove's Sermons*, pp. xiv. xv.

De Foe has some observations to the same effect in relation to Mr Morton's academy at Newington Green, London.

The fruits of Mr Doolittle's teaching we have seen before, in the case of the Rev. Samuel Bury.

This carries us back to a period before the date of these foundations ; for Mr Warren died in 1706, having survived his removal from the church forty-four years. pp. 53, 54. [A passage is then given as to Mr Grove's teaching, but he flourished after the period we have to do with.]

In the same spirit Mr Moore, who in the first twenty years of that century when Presbyterian foundations were being established everywhere around him, inculcated in his academy for ministers kept at Bridgewater, the utmost freedom of enquiry, and many of the ministers who issued from his academy were afterwards of Anti-trinitarian sentiments. The academy at Exeter under the Halletts, at the beginning of the century, was notorious for the leaning of the young ministers educating in it from the orthodoxy of their predecessors. It was the same with Dr. Dickson's academy at Whitehaven, whence came in 1715,

Benson, (a zealous Anti-trinitarian), and Dr. John Taylor, (an Arian), the leading heretics of the day, Dr. Winder of Liverpool, (author of a valuable History of Religious Knowledge), and Dr. Rotheram. The same occurs as to the academy under the care of Mr Hill and afterwards of Dr. Latham, at Findern in Derbyshire; most of the pupils, (who were educated in it in the reign of Anne and George I., while the Presbyterian founders were still alive), being noted for the spirit of religious and political freedom in which they acted, not less than for their departure from the ancient orthodoxy of the Presbyterian body. It was the same at a somewhat later period with Dr. Doddridge's academy, and with that of Dr. David Jennings, though efforts were made by some older ministers to induce compliance with orthodox opinions as far as such efforts could be made by men who respected the principle of free enquiry and the sufficiency of Scripture.

At Manchester we find Mr Chorlton and Mr James Coningham, under whom Samuel Bourn, (born 1689), afterwards a leading Arian, was educated.

In a defence of Dissenters' education, published in 1703, which contains much information concerning the practice in the London Dissenting academies, the writer who was a minister speaks of 'the impartiality of his tutor in stating any of the controverted points.'

Dr. Joshua Oldfield, (whom we have before noticed as a London minister of the old school, moderator of the meeting at Salters' Hall), was in 1698 tutor to Dr. Lardner, who was an eminent divine, (and as Bogue and Bennett tell us), a Socinian.

At a later period when an academy was established at Kendal, in Westmoreland, under the superintendence of Dr. Caleb Rotheram, to which students resorted who had assistance from Lady Hewley's trustees, 'he was solicitously and affectionately concerned for the improvement and usefulness of those under his care, especially that they might be inspired with the love of liberty and clearly understand the genuine principles of Christianity, and in order to this permitted, encouraged, and assisted them to think freely upon every subject of natural and revealed religion.' Note to Sermon on ordination of Rev. Caleb Rotheram, jun., of Kendal, by S. Lowthion, 1756. From Dr. Rotheram's academy issued many known Arian ministers. pp. 54, 55.

The extract as to Mr Jones does not support the proposition laid down, as it does not purport to relate to fundamental religious doctrines. That respecting Mr Warren seems to be the assertion not of his pupil Mr Grove, (as stated in the marginal abstract), but of that pupil's biographer. It expresses very little more than Mr Secker's words; certainly for a tutor to encourage a free and

critical study of the Scriptures, as the best system of theology, is a very different matter from his stating with indifference the true and false views of the Trinity and the person of Christ, or systematically making them, or allowing them to be made, subjects of debate with his pupils.

As De Foe's words respecting Mr Moreton are not given, and their effect is stated by reference to Mr Warren's case, they do not call for further remark; the rules of his academy may be seen in Calamy.

The nature of Mr Doolittle's teaching may be best inferred from the fact of Philip Henry placing his son, the future commentator, with him. The case of Mr Bury (here cited for the third time), will be considered with the postponed section in which the extracts from his works are introduced. There were two Moores and three Halletts, the elder Moore died in 1717, and the eldest Hallett in 1688; they, as well as Warren, Moreton, and Doolittle, were ejected ministers, and heterodoxy, even indifferentism, does not seem to be imputed to any of those confessors except William Manning of Suffolk. Mr Newcome of Manchester, preceded Chorlton in his labours as tutor, and there can be no dispute as to the strictness of his principles.

The state of the academy kept by the Presbyterian Frankland, (also one of the ejected), in different places as the persecution allowed him, and after his death continued by the Independent Jollie, at Attercliffe near Sheffield, would have been much more to the purpose of the Proofs, as it was the Yorkshire college. But neither Oliver Heywood nor Accepted Lester have left any account that could be quoted with advantage in the Proofs.

Of Mr Frankland's teaching we have this notice by Charles Owen, Presbyterian minister at Warrington. "Why may not Mr Frankland's pupils with the same freedom determine for Calvin, as many raw youths that come from the Universities do for their beloved Arminius? But the reason why they determine against Arminius is because their judicious and learned tutor directed them to study the Scriptures and their own hearts, which enabled them betimes to exalt the free grace of God, and to depress the proud enslaved will of man. A son of the church should not wonder that Mr Frankland should acquaint his scholars with the orthodox ancient doctrine of the Church of England, whose learned divines subscribed the decrees of the Calvinistical synod of Dort in conformity to the doctrine of the English church,



which preferred them after their return, and never censured this act of theirs." *The Validity of the Dissenting Ministry*, 1716, p. 96.

We are here concerned only with those methods of teaching which were practised sufficiently early to come to the knowledge of the various Presbyterian founders before the dates of their several foundations. Lady Hewley's charity was created in 1704, and we will take that year as regards the chapels also, though most of them were built previously. It is requisite to allow four years for the effect of the college teaching becoming manifest in the sermons and ministerial life of the pupils, and therefore no circumstances which occurred after the year 1700 can be received as known to and having influenced those founders. These remarks dispose of all the testimonies and remarks to be found in the Proofs as to the academies.

In order to judge fairly of the early tutors among the Nonconformists it should be recollected that after the civil war new systems of philosophy and criticism arose in England, and the nature of academical studies changed. In Charles the First's time great attention was paid to the Fathers, and studious and learned Puritans read the writings of the Schoolmen. As to these last it is necessary to remark that the amazing intellect of some of their number is beginning to be again recognized, and their worm-eaten folios are once more consulted with interest and profit on the most difficult points of the Christian faith. Just so Dr. Manton is mentioned as particularly well acquainted with them, and Baxter tells us how much he read of them. The works in which Dailé indicated the suspicion attaching to many writings circulating under early Christian names, and the little use to which even the genuine remains of the so-called Fathers could be put, had changed the theological studies pursued before the war. Locke, or rather his master Hobbes, had revolutionized all science connected with the human mind, and new manuals of logic had come into use. The merit ascribed to Mr Warren and Mr Jones really is that they had brought themselves, as to much of their non-doctrinal learning, quæ Imberbes didicere senes perdenda fateri.

The other academies mentioned, though not bearing on the question, deserve some remarks. Doctors Doddridge and Jennings, as well as Jollie, were Independents, and Presbyterians and Independents resorted indifferently to the academy of either body, which was most convenient or most attractive to them.

As it is admitted that the Independents as a body never abandoned strictness as to doctrine, and their tutors also were led by the influence of the age into latitudinarian practices, an argument cannot fairly be raised against the orthodoxy of the early Presbyterian congregations from similar methods pursued in their colleges.

Dr. Nathaniel Lardner was born in 1684, and was with Dr. Oldfield as a boy. He went to the University of Utrecht, and on his return in 1703 was for six years connected with an Independent church, so that his ultimate opinions cannot throw any light on Dr. Oldfield's system. Such arguments are very often to be met with in the Proofs and pamphlets written on that side of the controversy, but it is evident that in such a time of change a pupil's opinions twenty or thirty years after he left college were no indication of his tutor's principles or teaching. Arians became so numerous in the middle of the eighteenth century that it must be admitted every system in its turn failed to preserve in orthodoxy all that were trained by it, but none so certainly produced heterodoxy as the plan of teaching indifferently both or many sides of a question, or merging the character of teacher in that of president of a debating society, which seems to be the proceeding extolled in the Proofs. Not to teach some one system of theology as truth, implies that the teacher does not hold any doctrines as revealed (since it would be his duty to teach what he so held), and naturally, if not necessarily, creates in those taught the notion that they have to frame a scheme of divinity for themselves, and not implicitly to receive the body of truth from the Bible. The end of such a process must be the construction of some theory, or some unconnected postulates, based on the nature and fitness of things, and not on the will and mind of God, and this is the result at which Low Arians or Socinians wished their pupils to arrive. Grove and Rotheram found this method answered their purpose so certainly that it was no merit to pursue it. It does not follow that in other circumstances and with other results they would have originated or continued it. But has such impartiality ever existed? Is it to be believed that a Socinian tutor would exhibit Trinitarian doctrines as fairly and favourably as his own opinions? Is it possible that he should do so? Did any pupil ever leave Warrington or Hackney or "Manchester" college a Trinitarian? If none ever entered them but Anti-Trinitarians, does

not that circumstance render it more improbable that the teaching was impartial between the two systems?

In justice to Dr. Doddridge, Mr. Wilson's quotation from his *Family Expositor* should be reprinted here. "They who are honoured with the great trust of training up the ministers of Christ should be particularly careful to nourish and educate in the words of faith and of good doctrine those whose business it must be to maintain the faith of Christ in the world, and to instruct others in the doctrine." There is no doubt that he taught what he believed truth; however he might permit it to be debated.

The subject of the academies was most properly introduced into the Proofs, for the faith of a church is in the end governed by the teaching of its theological colleges. Luther, Calvin, and Van Harmine were all professors of divinity, and laboured, by indoctrinating the future pastors, to control the belief of the next generation of their countrymen. They knew that while the youthful mind must respond to what appears to it the truth, only the conscious or fancied possession of some new ideas will kindle all its ardour and call out all its energy.

The professors of former times taught their own opinions to those entrusted to them, but the English tutors extolled in the Proofs merely invited their pupils to speculation, and contented themselves with supplying the materials for it. Yet Dr. Taylor wondered and complained that many went out from his academy mere deists. We on the other hand see without any surprise how the evil spread from the colleges over the country, and in the end attacked the people as well as the ministers. Hoc fonte derivata clades In patriam populumque fluxit.

**SIMILAR PRINCIPLE AT GENEVA. GENERAL OBSERVATIONS. NOTORIETY OF CONTROVERSY EXISTING.** The Presbyterians of England are by no means singular in their opposition to creeds and stringent articles, and their assertion of liberty for their ministers from any other obligation than to the Scriptures. In the Presbyterian Church of Geneva subscription to creeds and confessions was abolished in 1706. p. 56.

It is very probable indeed that these transactions at Geneva influenced the Presbyterian ministers of England, many of whom at the beginning of that century were educated abroad.

It is presumed that it is now clearly established, that before the

date of these foundations there did exist in the Presbyterian body a decided spirit of opposition to anything which could interfere with the free use of the Scriptures as the source of genuine knowledge respecting the truth taught by Christ and his apostles ; and a decided aversion from the use of creeds or anything that could be regarded as imposing the senses of men upon the word of God, open to the examination and study of all ;—that this spirit of free investigation was a part of the system on which they acted ;—that it distinguished them from the other or Independent denomination ;—that they even admitted it into their academical institutions ;—and that however unreasonable, unthinking, and improper it may to some appear, the tutors admitted the youths committed to their care, and who were to be the future preachers of the gospel, to a freedom of examination and research which it might, in the opinion of some, have been more expedient in them to have postponed to a later period of their lives. Such however having been the practice of the learned ministers of the time of Lady Hewley, it must be presumed that she was cognisant of the practice, and that she did not object to that portion of her bounty which was set apart for the purpose of the education of ministers, being applied to the education of young men in academies conducted on these principles, as we see was the case in respect of the Kendal academy in 1734, and as (judging by their fruits), must have been the case with the earlier places of instruction, seeing that nearly all the leading Presbyterian ministers there educated became Arian ; and that having from the beginning been so devoted, courts of law or equity ought not now to turn round on the administrators or recipients and say that the tutors in the Presbyterian academies shall henceforth abandon what has been their practice from the beginning ; that they shall teach dogmatically the system of Christianity laid down in the creed ; thus limiting in a rigid manner the field of inquiry ; in fact saying respecting the much controverted doctrines of the Trinity and Original Sin that they are to be taken out of the range of inquiry to be regarded as truths never to be examined or questioned ; which is in fact to shut the door of enquiry which the Presbyterian founders had widely opened on the most important subjects of theological research.

It is again respectfully submitted that the question is not whether these doctrines are doctrines which must necessarily be deduced from Holy Scripture by those who go to that book desirous to know what Christ and his apostles taught. On this point it is well known that the greatest and wisest men have differed, that disputes have raged respecting it from the time of Arius and Athanasius, wherever the pressure of despotic power was removed and the mind left at liberty to divulge the conclusions at which it had arrived. But whether the conclusions

are right or wrong at which any party may have arrived this is not the point for present consideration ; it is also submitted that the question is not whether it is expedient that the ministers and preachers of Christianity shall be bound to take a particular view of the doctrine of Christ, by articles creeds and confessions, or left with no other recognised authority but that of the book of Holy Scripture which they are to read and study for themselves. On this point also there is a great diversity of judgment and much may be said, and much has been said, on both sides of the question. It is also submitted that the question is not whether it is fit expedient and proper to carry this principle into institutions founded for the education of the future ministers. It is also submitted that it is not material to inquire into the particular views of the Christian doctrine entertained by individuals belonging to this class or denomination of Dissenters, in cases in which there is no direct requisition that by such views shall the proceedings of the future trustees be regulated.

But that the question really is, whether, when an unrestricted foundation such as this of Lady Hewley is presented to the notice of a court, the court is not bound to consider the opinion and practice of the body of Nonconformists to which she belonged, as shown by the peaceful uninterrupted course of near a century and a half, and to support that principle of freedom of inquiry and opposition to the imposition of any particular interpretation of the words of holy Scripture, which was the great rule, guide, and principle of the parties in all their proceedings.

It is submitted that there is not the smallest difficulty in reconciling this principle with that degree of attachment, whatever it may be, which every one more or less feels for the particular system of religious truth, which, if he have arrived at any settled opinions amidst the diversity of opinion that prevails around him, he deems to be the truth. The ground on which he receives them is their supposed accordance with his judgment on the evidence which they bring with them ; and if this evidence has been sufficient to convince himself, so he conceives that it must in all time to come command the assent of other unprejudiced inquirers. This must be the case when the conviction is strong. When the conviction is one of inferior confidence, he anticipates that the faith of others will be as weak as his own ; and in such a state of mind he is less disposed and less tempted to endeavour to compel an adherence to his own opinion. The course in either case which a wise man would take would be to leave the affair open as the Presbyterian founders did, committing the truth to the future researches of wise and understanding men. In the case of attachment to an opinion which may be called bigotted the course would be different. But the Presbyterians had not that kind of attachment to any opinion. pp. 57, 58.

Whatever difficulty may arise out of the leading expressions of latitudinarianism cited being somewhat later than Lady Hewley's foundation, (though generally coming from persons educating and officiating antecedently), there is no doubt of this striking fact that the most universal adoption of the liberal principle, and even the avowal of Arian opinions had, by consent of all parties, as recorded by Bogue and Bennett, taken effect among the Presbyterians early enough for vast numbers of the original founders of the early endowments, contemporary with and even anterior to Lady Hewley's, to be still alive and active among them. At any rate the remove went no further than to their immediate children. The real intent of the founders must have been known, and it is sufficient to ask, how it can be accounted for that no record or trace whatever exists of any objection being taken to the changes in congregations and in the application of endowments, on any other supposition than the conviction that the founders left to others the freedom they vindicated to themselves?

Mr Baron Alderson in his judgment on the case says, 'Lady Hewley must have had fixed religious opinions conscientiously and strongly felt by her, or else it is not likely that she would have made this foundation. It is very unusual for religious foundations to be made by any other than persons having strong and fixed religious opinions themselves. Those who entertain what are called latitudinarian notions on such subjects are not commonly those who leave their property in this way.' This is surely something like assuming the question in dispute. It might have occurred to the learned Judge that persons of strong and fixed religious opinions are also not very likely wholly to conceal them, as Lady Hewley has done. Moreover Bogue and Bennett, (the Independent historians of the Dissenters) tell us that the Presbyterians of that day were anything but 'sober,' that their quality on the contrary was 'religious liberty run mad,' and surely one species of madness or fixedness of opinion as well as another might on the learned Judge's own principle produce zealotry in a founder, and govern his actions. Lady Hewley, however, was no doubt surrounded and counselled by men of more judgment and information than herself, and is it a very violent supposition that they had read and approved such a book for instance as 'Locke's Reasonableness of Christianity,' and acted upon it, preserving, nevertheless, those charitable feelings with which the learned Judge seems to think it inconsistent. The fact of latitudinarianism existing at a little later time, (whatever may be the fact as to Lady Hewley), is notorious, and it is equally true that very numerous endowments have been founded on those principles and expressly for them. When about 1750 the Presbyterians of Norwich gave their money so freely (several thousand pounds, being an amount most extraordinary in those days), to

erect and found the new Presbyterian chapel in that city [they rebuilt a chapel built by Trinitarians] it was expressly on the latitudinarian principle. And Dr. Taylor, whose sermon on the opening of the chapel in 1756, is published, distinctly disclaims on the part of the contributors that they meant this religious foundation to be for the propagation of any particular view of Christian doctrine.

A Yarmouth merchant, the founder of an endowment for two Norfolk Presbyterian congregations, thus expresses himself in his will. 'And because no person who designs the glory of God, the prosperity of His church, and the support of His interest in the world, in ages after his decease, can foresee the changes and revolutions that may arrive, and which might oblige him to alter and change the particular method by which he proposeth such ends should be promoted; my great and general instruction to these my trustees is this, that the purposes of sincere piety and charity, according to the best light of their consciences, and agreeable to the directions of the word of God, may be industriously and faithfully served to the utmost of their ability by this entrustment, leaving with them this short and serious memento, God sees.' This was quite in accordance with the genius and spirit of English Presbyterian dissenters. He was a descendant of the Protector Cromwell, and had seen and learned wisdom by the revolutions of opinions and practice during the eventful period of a long life which terminated a little after 1722. Having lived in the neighbourhood of Emlyn and Manning, he perhaps had partaken of the freedom of their opinions. [This paragraph is constructed by the incorporation of a note with the text.]

The learned Judge may be right if he speak of other classes of religionists, but even here it may be doubted whether the important principle which he assumes is just. Lady Hewley's contemporary, Lady Elizabeth Hastings, was a great benefactor to the clergy of the Church of England; but it does not appear that she made any distinction between those who were of the Tillotson and Hoadley school, and those who were of Calvinian sentiments. She left it, not to promote any particular view of theological opinion, but for the support of a body of men who had a certain political or ecclesiastical character, and this it is presumed was what Lady Hewley did. The latter endowed a body of ministers who had a certain political or ecclesiastical character, and not a set of theological opinions. If the latter, as the learned Judge supposes, had been the case, we should certainly have found in the deeds some distinct recognition of the particular doctrines which she meant to patronize, and some protection of them against the possible varying of administrators or beneficiaries in the time to come. In fact there is no historical ground for the assumption in this part of the judgment, and every probability against it, arising out of the situation, the character and

genius, of the denomination to which she belonged. Some of the benefactions of this pious and charitable lady were connected with the church, and so far from there being in her a strong attachment to any particular way, she made no requirement of her trustees or general beneficiaries, and only required of the persons admitted to her hospital that they should attend 'some place of Protestant worship.' It may further be observed that if she had been ever so desirous to leave her charity wide and open she could not well have done otherwise than she has ; whereas if she meant to confine it no one could easily have made the latter intent less obvious.

It cannot be supposed that the persons who in those days guided the operations of the Presbyterian body were so inattentive to the controversies which were going on around them, and so unaware of the natural and necessary consequences of their own principle, as not to perceive that difference of opinion would grow out of freedom of enquiry, and that not only would doctrines deemed by them of minor importance be by some relinquished and by others retained, but that other doctrines regarded by many as of greater importance would be brought into question, and by some renounced. And the fact really was that Arian opinions abounded on all hands. The act of William and Mary against impugning the doctrine of the Trinity is a legislative declaration of the fact stated in its preamble, of the prevalence of that heresy. p. 60.

Among the Presbyterians had arisen before the date of these foundations, Manning, one of the ejected ministers, who had long preached an Arian or Unitarian theology in the county of Suffolk, and in the same county Emlyn, a minister of the next generation, who was zealous for the Unitarian scheme, and who before the date of these foundations, having removed to Ireland, was there in 1702 by a sentence of an Irish court of judicature condemned to public punishment for his assertions of those doctrines ; when thus persecuted in Ireland he took refuge in England, and preached his sentiments publicly in London before 1710. p. 60.

In the Church there had been Whiston an avowed Arian in the University of Cambridge, (who began writing in 1703), and Dr. Bury in the University of Oxford, who had been deprived, the one of a fellowship, and the other of a mastership, in consequence of maintaining these opinions ; nor was Dr. Clarke unsuspected of holding those opinions before he published his famous defence of them in 1712, in his 'Scripture Doctrine of the Trinity.' The writings of Dr. Sykes and others in the Church looked the same way, and produced a great impression on the Presbyterian body ; the effect was great and immediate, and a declension was going on rapidly at the very beginning of the century. Most of the older Presbyterian ministers of the era of the founders had been educated



in Calvinian sentiments. The catechism of the Assembly had generally been that in which in their youth they had been instructed, and yet a great departure had taken place in many of them from the doctrines of that catechism : they had become, some Baxterians, some Arminians, some Arians ; but the strict doctrines of pure Calvinism are found in them no more. With Locke they generally agreed, at any rate so far as to say nothing about them as essentials.

This striking appeal is made in behalf of those ministers who in 1721 had adopted Dr. Clarke's principles or others resembling them to the Presbyterian ministers at large, pressing by an argument *ad hominem* the right of professing them from the similar freedom of change which had been exercised among them in the generation before.

'But whatever be the present state of religion compared with what it has been on this earth, the pious few that now do in some measure walk in the same spirit and in the same way with their valuable predecessors, and therefore ought not to be set in the view of opposition or condemned as contrary to them, though they may have different apprehensions in many things from them as they had one from another, and from their own predecessors.' *Rational and Christian Principles* by Nicholas Billingsley, a Presbyterian minister in Somersetshire, 1721. p. xvii.

It was not to be supposed, and could not be supposed, that when these changes had taken place in carrying out the principle of freedom of inquiry, that the change would stop, that the same principle which had turned Calvinists into Arminians, might not turn Arminians into Arians, and Arians into Socinians, though they might each according to the strength of his own convictions, deem that the Scriptures would continue to bear a steady testimony, and would keep men from any wide departure from what appeared to themselves to be the truth. But let us look to the facts.

It is notorious that before the founders of the Presbyterian charities of the beginning of the eighteenth century had passed off the stage, the renunciation of the doctrine of the Trinity prevailed to a great extent among the Presbyterian ministers, that is, that the doctrine which the courts below regard as being so important that all administrators and beneficiaries of Lady Hewley's bounty must hold it, was during the lives of her original trustees lightly esteemed, and even disbelieved by a large portion of the body of Nonconformists to whom she and they belonged ; and this without producing any appeal to the courts to restrain the growing heresy, and to put forth the strong arm of the law to bring men back. This is a very important part of the case. The principle has been shown. We are now to contemplate its effects. p. 61.

**PRACTICAL EFFECTS OF THE PRINCIPLE.** The principle may be looked at as falling among two classes of men, a body of educated and

enlightened persons such as the ministers of the Church of England, but who being in a church which held forth a collection of articles of religion to be subscribed to, with the full assent and consent of the mind ; and a body of other ministers, educated and enlightened also, whose academical discipline differed little from that of the ministers of the church, but who had no articles, no subscription, no authoritative standard of faith, nothing to curb them in their enquiry, nothing to call them back if it should happen that the spirit of research urged them too far, and drove them to mistaken conclusions. We shall touch briefly on the effect upon the ministers in the church. There the effect was to show the inconvenient pressure of the subscription. Bishop Hare's tract, 'The Difficulty and Discouragement in the Study of Scriptures in the way of private Judgment represented,' 1721, is throughout an exhibition of the inconvenience of subscription to doctrines of men when taken in conjunction with an acknowledgment of the right and duty of free enquiry, and of the sole authority of Scripture. Another prelate, Clayton, the Bishop of Clogher, also plainly states the difficulty. *Vindication of the Old and New Testament*, 1752. Part III., pp. 25, 26.

It is in fact the main point in the great subscription controversy, which in the last century agitated the Church of England ; and which was somewhat composed by the convenient doctrine respecting subscription laid down by Paley, and in a more refined form by Pearson, but which is revived whenever attention is forcibly drawn to the apparently Calvinistic turn of the Articles of the English Church.

Falling among divines and a church, if such it may be called, existing without the restraint of creeds, articles, and subscriptions, the effect was not to produce a body of ministers, thus feeling themselves in a contradiction, but of those who persuaded themselves that to whatever truth the acting on the principle might conduct them, they were at liberty to go, and to make profession publicly of the truth, at least so far as they could prudently do so ; that is, without needlessly and inconveniently shocking the prejudices of those who had not made the same advances, and this was what they did. The Arianism which was the effect of their acting on the principle soon became the prevalent and avowed doctrine of the Presbyterian dissenters.

Bogue and Bennett. Vol. III., pp. 248, 384, 398.

These historians (in their extracts quoted above) put prominently the distinctive characters of the two bodies. Mr Locke incidentally proves the fact as even that must have been well understood in his early day, or he would not have treated it as he does. It is plain he knew well enough what the Independent restrictiveness was ; and we may fairly imply from his so positively selecting them that he knew it was not general and certainly not applicable to the leading body, the Presby-

terians. *Defence of Nonconformity*, printed in *Lord King's Life of Locke*. 4to., p. 244.

The public and external impression as to the real opinions of the Presbyterians fixes them with heresy very early.

Miles Davies, *Athenæ Britannicæ*, 1716, vol. II., p. 312, complains 'of the Dissenters countenancing the Arian Sectaries.'

A High Churchman's testimony to the general opinion of the state of the Presbyterians, and generally as to what it was considered was the tendency of the 'Moderate Men's' course of action may be derived from a book entitled *Modern Pleas for Schism and Infidelity* reviewed, or the present principles of deism and enthusiasm fairly represented, and the false pretences of the moderate man to the interest of the Church of England exposed. Also *Modern Pleas for Heresy* reviewed, or a particular defence of the Athanasian creed against the Arians and Deists, by Joseph Smith; 3rd Edition, 1717. 'We will endeavour to take a view of this odd mixture of contradictions in three distinct classes, as they stand distinguished under the well-known denominations of Quakers, Anabaptists and Presbyterians. [Here Independents are included in Presbyterians.] Neither do the Presbyterian teachers now subscribe to what their predecessors (at least in name) called the Assembly's confession of faith. If their faith is the same now as then why do they cease publicly avowing it by subscription? Nothing less than our creed, at least some of the weighty and momentous articles of it, will satisfy any of these people.' pp. 15, 20, 21, 48, 50, 51, 54, 252-254.

The *Memorial of the State of England*, 1705, by John Toland, states that

'The Presbyterians are all now for liberty of conscience to all men in points of mere religion or opinion, and they have expressly declared their minds to this purpose in several of their late books, particularly in the writings of Mr Calamy, which they generally approve.' p. 36; see also p. 44-45.

The Rev. John Shower, in a letter to the author, pronounces the memorial 'the most judicious and seasonable of anything lately printed. 'Tis the real state of our case.' [The quotations in this section do not carry the matter further than the expressions here extracted from them].

In fact without imputing or insinuating anything of an unchristian insincerity to the ministers either in the Church or out of it who contended for the principle of free enquiry and the Bible only, it is manifest that among ministers of both classes (Churchmen and Dissenters) this principle has generally been united with a deviation, be it more or be it less, from the Athanasian Trinity. In Chillingworth it is notorious that this was the case; Locke, every one knows, was an Arian;

Sir Isaac Newton was equally heterodox ; Whitby ended his scriptural studies with an avowal of Unitarianism. Tillotson was often charged with Socinianism. In 1695 a pamphlet was published entitled 'The Charge of Socinianism against Tillotson considered.' The author in his preface says it was written 'before the death of that unhappy man.' Similar reports were spread regarding Baxter, and as to Dr. Clarke, though he entitles his work 'The Scripture Doctrine of the Trinity,' to which the Introduction is prefixed from which we have quoted, yet what is his Trinity but pure Arianism ?

The historical fact is undeniable (as vouched by the numerous volumes of Anti-Trinitarian tracts published in the last ten years of the seventeenth century), that all that has ever been said and argued on these subjects had been then said and written ; and that these books, for talent and learning, have not at this day been excelled. They imply numerous and able writers and readers ; and it remains to be pointed out where the field could be, if not among the liberalizing theologians, and those mainly the Nonconformists. p. 69.

PARTICULAR CASES. EXETER, &c. Peirce says, 'Dr. Clarke, Mr Whiston, and other writers, who differ from the common notion, had been read here before my coming [in 1713 ;] and some few of the people, though they had kept it to themselves, had long before, by only reading their Bibles, been convinced that it was not agreeable to the scriptures.' The Western Inquisition, 1720. p. 11.

We find also that as early as 1710 there was a friendly correspondence between the Halletts, who were ministers in Exeter, and Whiston, on the Arian controversy, and that the Halletts had embraced and openly avowed the Arian opinions.

The Rev. Josiah Eveleigh in *A Vindication of Mr Trosse*, 1719, p. 82, says, 'It is a grief that has almost killed me to see so many of my friends gone off from the truth.' Mr Newman, a minister in London, in a letter to Peirce, 1719, says, 'Mr Walrond gives a melancholy account of the state of religion in the country, with reference to the proper Godhead of Christ, and the Holy Spirit.' These changes imply the growth of twenty years at least. A letter of advice from the Devonshire ministers to their people, 1719, says, 'It affects us to see so many so ready to sink in unsound doctrines derogatory to the honour of our glorious Redeemer and the Holy Spirit.' [Several sentences are condensed into this paragraph.]

Hallett, the tutor, disowned Arianism. In 1719 he published "The belief of the Subordination of the Son of God to His Father no characteristic of an Arian." In 1710 he was "earnestly concerned for the common doctrine" according to Mr Peirce, *Inquisition Honesty displayed*, 1722, p. 78.

Peirce says, "We utterly disown the peculiar opinion of Arius that Christ is a creature. We believe that text, Romans ix. 5, 'Who is over all, God blessed for ever,' belongs to Christ." *Account of Reasons*, p. 17, 18. "Not one of us can be charged with delivering any one error, the utmost they have to say against me, the most obnoxious of all, being that I have declared for a subordination of the Son to the Father." *Inquisition honesty displayed*. p. 76.

Joseph Hallett, jun., when a student, in or after 1710, held a correspondence with Whiston as to his doctrines, but it was kept secret; his father's correspondence with Whiston was as to the latter's 10th Discourse or Directions for the Study of Divinity.

About November, 1718, the Rev. Roger Beadon, after an eighteen years' pastorate, was unanimously dismissed by his congregation at Budleigh Devon. The Rev. John Cox was also dismissed by the congregation at Kingsbridge Devon. Mr Tomkins's dismissal mentioned at p. 43, was for a sermon intended to prove "that the doctrine of Christ's deity according to the commonly received notion was not a necessary fundamental article of the Christian faith, he did not say anything in opposition to the doctrine itself."

In Somerset, Foster, Stogden, Billingsley, Moore, Chandler, and Grove, before 1720, had laid the foundation of that Arianism which was soon manifested in most of the Dissenting congregations of that country.

But Devonshire and Somerset were not in this respect singular, nor the only, or even the first parts of the kingdom in which this departure from orthodoxy manifested itself. In other counties it made less noise, because there was less opposition made to it, and little controversy or clamour was produced. It was for the most part a transition silent and passive, and it was only in some few particular congregations that there were any heats or animosities engendered by it. The instances of this were rare. In fact the soil had been prepared in most of the congregations by the spirit of free inquiry which had been encouraged and exercised, so that as the old ministers passed away, successors were chosen who had passed from the Arminian into the Arian scheme as their predecessors had passed with equal silence from the Calvinian to the Arminian. p. 71.

A sermon of the Rev. John Dodson, of Penruddock, (afterwards of Marlborough), preached in 1719, is quoted, [the main passages are these:]

'He (an opponent) gave a free vent to his zeal against me, telling them that as to the business of Arianism he believed all the ministers had the same sentiments they always entertained, unless the preacher was gone into the new scheme. I now suffer under this reproach in common with a great many of my worthy brethren in London and elsewhere; because I as well as they declare against making any human forms the tests of orthodoxy.' Preface, p. 6; see also pp. 7, 8. Sermon, pp. 12-28.

'Let us not be fond of a party as such; 'tis being zealous Arminians, earnest Calvinists, rigid Lutherans, instead of contenting ourselves with being plain and honest Christians, which is one principal cause of those contentions and animosities which are found among the celebrated parties.' p. 29.

'Let us prefer holiness in our brethren to orthodoxy; I mean to what we ourselves esteem to be orthodox, for no doubt every sect is perfectly orthodox in its own judgment. . . . And on the other hand did we but consider that piety is preferable to faith; to faith in this case taken in the strictest sense, i.e., a mere assent of the understanding to the truth of things revealed; which certainly must draw its principal if not all its excellency from the influence it has upon morality.' pp. 30, 31.

[The ministers mentioned in pp. 82, 83, are then enumerated with their academies, and in addition it is added] Dr. Samuel Chandler, F.R.S., the author of numerous esteemed writings, and through life one of the most influential ministers in this denomination, was educated under Mr Jones at the same time with Secker, and both came from the academy possessed with views of the Scripture doctrine scarcely if at all differing from those of Dr. Clarke. He became minister of the congregation at Peckham, in Surrey, in 1716, [still orthodox], a case of the early choice of a minister of those sentiments. At Jones's also was Dr. Scott educated who was chamber fellow with Secker, author of an *Essay towards a Demonstration of the Scripture Trinity* by Philanthropus, 1728, and of a new version of St. Matthew's Gospel with notes, in the preface to which, after arguing that a reasonable faith is required as well as a reasonable service, he says, 'I have not attempted a confutation of the Trinitarian scheme, which I profess is altogether unintelligible to me or absolutely inconsistent with itself; but however I have aimed at a demonstration that the Father, Son, and Holy Ghost are three distinct spirits, of which the Father only is God.' p. 73, *Proofs*.

It is submitted that this being the case, that an Arian or Anti-Trinitarian system of Christian belief having been thus early introduced into the Presbyterian congregations, and that no appeal having been made from any quarter resembling the appeal which has now, at this late period,

been made to the Courts below, to force on the trustees of Presbyterian foundations, and the beneficiaries under them, the reception or the retention of the doctrine of the Trinity, it ought to be taken as evidence that the persons of those times who lived in and near the age of the founders, knew what was their intent, and that there would then be no chance of success in any such appeal; and that to make an appeal to the law of the land and the judgment of the Courts would have been in direct opposition to that spirit of freedom and opposition to all human authority in matters of religion, which it was the boast of the Dissenters that they had ever manifested. The different course which has now been pursued, and which has forced on the appellants this appeal, has been taken by persons, few of whom are of the old Dissenters of England, and acquainted with their feelings, principles, and usages, but who have sprung out of the more recent schism produced by the labours in the last century of the leaders of Methodism, who had little, if anything, in common with the English Dissenters for whom the Act of Toleration was formed. They are in fact a body of persons who had no existence as a religious community at the time when Lady Hewley made this foundation, and who cannot therefore (whoever else were) have been contemplated by her. And of their difference from those persons for whose benefit these foundations were made, no better proof can be given than these proceedings, so entirely opposed to the proceedings of the Dissenters of Lady Hewley's time, and so subversive of the principles which they cherished. [A list of ministers stated in the Proofs to be Anti-Trinitarian will be found in the Appendix].

**SALTERS' HALL PROCEEDINGS. THEIR BEARING ON THE PRESENT QUESTION.** The Assembly of ministers in Devonshire, one of those unions of Dissenting ministers which were formed in various parts of the kingdom in the year 1691, perplexed by the new circumstances in which they were placed by the extensive prevalency of avowed Arianism, while many retained their educational principles, and were zealous for them, applied in 1718 to the united body of ministers in London for advice. In February and March, 1719, the London ministers, (not merely, it is to be observed, Presbyterians, but also Independents and Baptists), met at Salters' Hall, when they resolved themselves into a kind of synod, chose Dr. Joshua Oldfield for their Moderator, and proceeded deliberately to consider what advice should be given. After long debating they agreed upon certain advices tending to union and peace; but the doctrinal question came directly before them, when it was proposed that they should accompany those advices with a declaration of their own faith in the doctrine of the Trinity. This question was put to the vote. The meeting divided, when there were 53 for subscribing, and 57 against it. The great argument on the side of the non-subscribers was

that they would subscribe to nothing but the Bible. Sir Joseph Jekyll, the Master of the Rolls, hearing this, is reported to have said that the Bible carried it by four. p. 79.

It will be seen that they [the advices sent from Salters' Hall] assert the principle that to the Bible only is the appeal to be made, and that though the ministers subscribing them had themselves no doubt respecting the doctrine of the Trinity in some form or other in which it was professed, (and Dr. Clarke had shown them how as Arians they might still speak of a scriptural Trinity if necessary to do so), yet that they do not regard it as of that supreme importance that the people were bound to withdraw themselves from a minister by whom the doctrine was not held. They had also by a solemn vote refused to direct that there should be subscription to the first article of the Church of England, and the fifth and sixth answers in the Assembly's Catechism, which express the doctrine of the Trinity. By this decision we thus in fact obtain a declaration from the ministers at large on the relative importance in which the two opposed principles of the support of the doctrine of the Trinity and of the principle of adherence to the Bible only were regarded by the Nonconformist body of the age of the founders.

Dr. Calamy gives the following account of the Salters' Hall Assembly\* but only so much of it as is not inclosed in [ ] is extracted in the Proofs. The parts so enclosed have been added as they seemed necessary to represent his statements and opinions fully and indeed fairly, and of that the reader will judge. There are here, then, in small type, additions to the extracts from the Proofs in infraction of the engagement at p. 64, but it is trusted that the advantage of the plan followed will be evident, and that no injustice will result to the authors of the Proofs.

[About the same time sad heats arose among the Dissenters, who no sooner had that relief from the government which they had expected and waited for with some impatience than they fell to pieces, and were thereby not a little exposed and weakened . . . . Jealousies and animosities arising, they broke into two parties, with as much eagerness as if they had been bent on the overthrow of each other, as the greatest happiness they could have hopes of reaching. Many were surprised at their heats, which were grossly imprudent, and very much owing to the agency of certain gentlemen on both sides by whom the ministers among the Dissenters were but too much influenced, though many were not

\* The account to be found above commencing p. 23 is derived as to matters in Exeter from Mr Murch, and as to matters in London from Mr Walter Wilson.



aware of it till afterwards ; nor did those gentlemen themselves, I believe, foresee what consequences would follow, upon the measures they pursued. The state of the case was this. Some members of the Commons, who had deserted the worshipping assemblies of the Dissenters which they formerly frequented . . . . seemed inclined now as the repealing act went forward to oppose the very first thing attempted in their favour in a parliamentary way after the accession of King George . . . . . and endeavoured to clog the bill depending, by moving for the adding to it a sort of test, in relation to the doctrine of the Holy Trinity, as to which the body of the Dissenters were (unkindly and without any just ground) represented as wavering and unsettled. Mr Peirce, of Exeter, (but a single man, though in good repute) was particularly mentioned as an erroneous person that had a considerable influence upon others. Perhaps two or three more might have been singled out that were in his notions. They declared they thought it highly expedient in order to securing soundness in the faith in this capital article of religion amongst those that should have any benefit by this bill, whether there were any particular grounds to suspect them or not. This motion was thought very unreasonable by some, and not a little resented. It particularly raised the indignation of a certain gentleman,\* who not only continued all along to worship God in public with the Dissenters, but had interested himself much in their affairs, and done them good service . . . . and had had a good hand in forwarding this very bill. Perhaps also this gentleman himself might in some respects have overdone the matter, not only by his taking more upon him than was well thought of in the private committee of the Dissenters, but also in teasing persons of rank and distinction in their favour, and been more positive in his demands on their behalf from ministers of State, than they well knew how to bear. This might heighten the opposition made in this case and cause it to be attended with the more warmth. However he was fully of opinion that he and his friends to whom he declared himself a firm adherent had been too serviceable to the public to be neglected, when he with vehemence opposed a test of this sort, which the gentlemen above mentioned moved for with earnestness. And having a particular friendship for Mr Peirce he resolved to bestir himself in his favour, not only among the Dissenting ministers, but also among the gentlemen that were their adherents, in order to the saving him from the storm that threatened him at Exeter, which he seemed to look upon as his main concern, as soon as the motion for such a doctrinal test among the Dissenters was outvoted in the House of Commons. As to Mr Peirce . . . . no man could be more beloved by those

\* Evidently Mr Barrington Shute, afterwards Viscount Barrington of the Irish peerage.

among whom he laboured than he was for a good while. But at length (influenced by some willing to show their particular zeal for orthodoxy) they began to suspect that he was not sound in the doctrine of the Trinity, and as to the union of Father, Son, and Holy Ghost in one deity. He was not willing to give them satisfaction as to his orthodoxy, in the way in which they desired it, nor to declare some things to be truths and errors, that the leading men among them took to be such].

The differences about the Trinity in Exeter were brought into the assembly of ministers in that city, which according to course fell in September this year. They, after great debates, pretty generally gave it as their sense that there was but one God, and that the Father, the Word, and the Holy Ghost is that one God. But the contention afterwards rather increased than abated. [Had the Dissenters of Exeter hereupon agreed to a general meeting and taken care to have all summoned that used to give their votes in the election of ministers, for the several worshipping assemblies among them, and freely and fairly put it to the vote of all in common, whether or not Mr Peirce should not upon the account of the unsuitableness and disagreeableness of his notions to a majority of them, have been desired to have removed to some other place, where the sentiments that he now appeared to entertain might be more agreeable, and so carried it against him, neither would there have been so much reason to charge the active managers with proceeding unsuitably to their own avowed principles, nor would he himself have had so much reason for objecting against their excluding him, as in the way they took of confining the consideration of matters of the last importance to a committee not chosen by the whole body for that purpose. Many writings hereupon swarmed from the press.]

[The committee at Exeter, in concert with some ministers in that neighbourhood, wrote to several ministers in London desiring advice, answers were returned, some more mild, others more warm. Mr Peirce also wrote to some that he thought he had an interest in, requesting their help to compose matters at Exeter. When this correspondence had been carried on for some time, and been considered in the London Committee, it was pretty generally agreed to lay the matter before the whole body of the Dissenting ministers in and about London ; so that what was done might have the more weight.]

[Two different views might easily be discerned among the two parties that were to meet upon this occasion. Each aimed at appearing as large and considerable as they were able, yet both depending on their own strength concurred in publicly debating about the matters under consideration. This I must acknowledge, I from the first declared against, for fear of a rupture, which I thought might be foreseen without much difficulty.]

[When the body met, one party was full of zeal for certain 'advices' in order to the preventing a breach at Exeter, or other parts, about such matters, as those that were now debated. The other party was as zealous to the full for declaring their orthodoxy upon the doctrine of the Trinity, that so they might clear up their reputation, (which by the way no one had any reason to call in question), and appear the fitter to give advice to others. Not being able to agree in this they sadly squabbled. This was followed with many other differences.]

The flame flew from Exeter to London even when the advices to be sent thither from hence were under consideration. Those advices had been canvassed in private consultations and debates, and were at length considered in some meetings of elder ministers and young candidates\* together of the three denominations at Salters' Hall.

It so fell out that when they met they could not agree whether they should first give their advice and then prove and clear their orthodoxy, or first manifest their orthodoxy, and then give advice. Supposing a subscription requisite and proper, it was queried by some with warmth and earnestness whether it was not sufficient to be made to the words and expressions of Scripture, or whether needful to be made to some human form. At last they divided into subscribers and non-subscribers, and both sent advices to Exeter, though of a different nature. The letter sent to Exeter with the advices by the non-subscribers was dated March 17, and signed by Dr. Joshua Oldfield, in the name of the majority at the first and most remarkable division. It came too late to prevent the breach.

The meeting at Salters' Hall in which the question was proposed whether in the advices that were under consideration for Exeter there should be any particular declaration of their faith in the Holy Trinity, was February 24 (1719) when it was carried in the negative by four votes. The actual subscription upon a new division that was managed with no small indecency was on March the third following. These things which fell out at the time when the united became the divided ministers, then made a great noise, and the particulars were in the mouths of everyone. As to myself I distinctly foresaw the quarrel and its consequences; and before it rose to a height took up a resolution to have no hand in it. I was indeed at one private meeting, upon occasion of an answer to a letter from Exeter directed to me in conjunction with four other brethren, to which answer I was the freer to set my name because in the close of it my real sense was expressed; viz., that we, by meddling in their contest, should be in danger to do hurt instead

\* By this expression the Doctor seems to designate young ministers without charges, and they appear to have made up the numbers as to which doubt is expressed at page 28.

of good. I was so fearful of that from what I at that time observed that I determined to engage no further.

[Most earnestly was I pressed by those that were afterwards the non-subscribers to give them my company and join in with them. And but the very day before the grand meeting, at Salters' Hall when the division was actually made, I was as earnestly importuned by a letter signed by Mr Jeremy Smith, Mr William Tong, Mr Benjamin Robinson, and Mr Thomas Reynolds, to be at the meeting on the day following, and (as they expressed it) help to prevent Mr Barrington Shute's endeavour to break the body of ministers to pieces. But I sent them word that I was for following the advice of Solomon, in 'leaving off contention before it was meddled with,' and was very apprehensive that the number of those that were designed to meet together on the present occasion, especially at a time when the spirits of so many were plainly exasperated, would in the event make matters worse, and rather increase the flame than abate or extinguish it. Therefore they must excuse me. Afterwards in the evening of the same day they sent to me worthy Mr Chalmers, Principal of the Old College in Aberdeen, (who happening to be then in town, was under a very great concern to observe what posture things were in at that time among us), who strenuously argued with me about being present at the meeting intended. He told me with great frankness, he could not see how I could satisfy my conscience as things then stood, to forbear making my appearance and declaring for the true eternal divinity of the Lord Jesus Christ, (which he was satisfied I as firmly believed as any man whatever), when it was under debate. I told him that as for the true eternal divinity of the Lord Jesus Christ, I was very ready to declare for it at that time or any other, and durst not in conscience be at all backward to it. But I could upon good grounds assure him that was not the point in question among those that were to meet together on the day following; that certain gentlemen behind the curtain had so influenced their respective friends for two different ways and methods to which they severally inclined, that as they appeared disposed, a fierce contention and a shameful breach was in my apprehension unavoidable. When . . . . I saw him next he freely declared . . . . that as he never saw nor heard of such strange conduct and management before, so he was heartily glad I was not there. By my absence then I kept myself out of their squabbles and brangles afterwards, and though I read what was published on both sides, and that sometimes with no small concern and trouble, I fell not entirely in either with the subscribers or non-subscribers, but respected and kept up my correspondence with both, and received civilities from each.]

As to the grand matter which they contended about, I was entirely

of the mind of the celebrated Mr Chillingworth, who closes his preface to 'The Religion of Protestants a Safe Way to Salvation,' with these memorable words, 'Let all men believe the Scripture, and that only, and endeavour to believe it in the true sense, and require no more of others ; and they shall find this not only a better but the only means to suppress heresy, and restore unity. For he that believes the Scripture sincerely and endeavours to believe it in the true sense cannot possibly be a heretic. And if no more than this were required of any man to make him capable of the church's communion, then all men so qualified, though they were different in opinion, yet notwithstanding any such difference, must be of necessity one in communion.'

[The division being once formed the subscribers very warmly justified their proceedings, not without insinuations how much they were in the wrong that did not do as they. The non-subscribers as warmly justified their keeping from subscribing ; the attempting and introducing of which they represented as an innovation and imposition, and a running counter to their own avowed principles. The two parties fell heartily together by the ears and filled the whole city with their noise and clamour, and little stories were fetched and carried about to the inflaming matters day after day. In the meantime among the standers by some greatly rejoiced at their exposing themselves so wretchedly. Others as heartily mourned and grieved in secret at their bitter animosity and contention ; and religion sadly suffered from their invectives against each other. They first fought with angry advertisements, and began to squabble in the newspapers. The Whitehall Evening Post, Mist's Journal, and the Flying Post were made use of to convey the report of their contentions to all parts of city and country. Though those papers might perhaps for a little while sell the better upon that account ; yet were facts therein so very differently represented, that people were generally rather amazed and confounded than satisfied. Therefore they came next to pamphlets, which were poured forth from the press in abundance. . . . He that purchased all the warm pamphlets that came out in this contest must have been at the expense of some pounds. Whoso is at the pains to read them all over, will hardly find anything more deserving of regard than the tracts of Mr John Hughes, of Ware, and what was written by Dr. Cumming and Dr. Evans, about Scripture consequences.]

[The former heats and feuds among the dissenters had continued this year both at Exeter and London, though prevented in some other parts of the nation, (notwithstanding strenuous endeavours used to draw them into an imitation), by ministers refusing to exact a positive declaration upon the head of the Trinity of those of whom they had no ground or occasion to be suspicious. The undisturbed peace of ministers

and people, while they acted upon that principle, was a proof how much they were in the right. p. 425.]

It is clear that Dr. Calamy did not consider either the doctrine of the Trinity or the Deity of Christ to be disputed at Salters' Hall, and that he regarded the contest as contrived or directed by members of Parliament for their own purposes. In like manner Principal Chalmers saw in the meeting nothing but management, though he went to it with the notion that it was a glorious occasion for the English ministers to bear testimony for the truth. Mr Peirce's many friends cared only to prevent the chapels' committee and the ministers' assembly from triumphing over him, and they evidently eagerly seized the opportunity which Mr Bradbury's proposition afforded them, of trying their strength on the question of subscription, which was no part of the matter referred to them, but was what their minds were full of at the time. Previously the Presbyterians had no objection to subscription. Dr. Kippis says, in connection with the restrictions imposed by the Toleration Act, "The principal part of the Dissenters did not wish to be exempted from doctrinal subscriptions. It was not doubted but that persons who entertained certain doctrines called heretical were by no means fit to be tolerated; and the principal part of the Nonconformists, notwithstanding the long persecution they had endured, had not yet divested themselves of this persuasion. They did not think of questioning the right of the civil magistrate to impose subscription to human tests of faith and orthodoxy, they even believed it to be his duty to restrain what were apprehended to be fundamental errors and heresies; and though some ministers might entertain more liberal views of things, they were glad to accept of liberty of conscience on such terms as were offered, and could then be obtained. These terms were the less disagreeable to them as being Calvinists, or nearly Calvinists, they had scarce any difficulties with regard to the doctrinal articles, but could cheerfully subscribe them as containing their own real opinions." But the question of subscription had the year before the meeting at Salters' Hall, been brought before the attention of Dissenters, with every circumstance that could disgust them with it, and open their eyes to the injustice and folly of the practice in the abstract. For when the bill for relief of the Dissenters, from some of the injuries and insults which had been inflicted on them by the parlia-

ments of Charles and Anne, came down to the Commons, an attempt was made to confine the benefit to persons subscribing a Trinitarian test. Nonconformist Ministers were already compelled to profess Trinitarian opinions, as included among the doctrines of the Establishment, but the proposed test would have been imposed on laymen, and would have been confined to the doctrine of the Trinity. It was therefore an insult and an annoyance previously unheard of. It is most remarkable that the members of parliament who proposed this test, after having left the communion of the Dissenters, should still retain sufficient influence over any of their number to form a party among their ministers. They could do this only by pretending that their object in proposing the test was simply zeal for the truth, and they would not have made the attempt if they had not been certain that there would be found among the Presbyterian ministers, (for without the Presbyterians the political interest of the Dissenters was very insignificant), many who would approve the imposition of subscription even on the laity, in the hope of preventing by that means the growth of Anti-Trinitarian views, or the imputation of such to their body. It should be borne in mind that in 1697, after the Toleration Act, the Dissenting ministers of London presented by Dr. Bates an address containing this expression: "Whereas there are such doctrines frequently published as are infinitely injurious to the person and office of our blessed Saviour, we hope your pious zeal for His divine honour will put a stop to the licentiousness of the press that the contagion of the dead may not corrupt the living." So that the act against blasphemy, which imposes the penalties so disgraceful to our statute book on preaching against the Trinity, was passed on the solicitation of the Dissenting ministers of London and the neighbourhood. Mr Barrington Shute, from conviction and on principle doubtless, took part against the test and defeated the project, and as his reward he raised and consolidated among the Dissenters a party of which he seems to have been the acknowledged head. The circumstance that a House of Commons, very unfavourable to Nonconformists, should yet reject a scheme for widely extended subscription to a Trinitarian test occasioned all thinking men among the Presbyterians to re-consider the principle of setting up a human standard of doctrine, and seems to have produced their immediate and almost universal condemnation of it.

There has not been brought forward any evidence of their having ever previously declared against the practice, but by the next year the opposition to it being founded on reason had become a first principle with them, as is shewn by the manner in which it was thenceforth laid down and supported just as if it had been held *ab antiquo*, as the diplomatists say, and it opened a door of escape from a previous practice of subscription even in the Exeter Assembly. The interval between the first and second meetings afforded Mr. Peirce's friends an opportunity for considering their tactics, and Mr Barrington Shute, having prevented the statutory test, bethought himself that his best method was to liken the proposed synodical declaration to it; and when the decisive day came the parties of the year before again appeared confronting each other, and the leaders of the previous struggle in parliament were still, in congress phrase, the wire-pullers. Mr Shute's friends were again on the defensive or negative side; they had a right to say they did not come there to subscribe, and they declined to do so. There was no proposition as to the propriety of the practice of subscription submitted to the meeting, and the advices do not directly refer to it, except as condemning creeds. The Vindication of the non-subscribers expresses the opinion that Scripture words should be kept in all articles and subscriptions, as if there must be some subscription. But Articles in Scripture words must from their nature be useless, since no one can object to a Scripture expression, if a right translation of the original; while a cento of Scripture phrases may convey a most inaccurate meaning, even if it is really the words of revelation, and not the sayings of wicked men stated in narration or in parable. The reader will shortly have an example of a profession of belief of that description. Dr. Calamy's statement of the circumstances attending this meeting, the last in which the three denominations united for any matter of internal regulation, by no means raises it in our estimation. Both parties appear as in no small degree the puppets of designing politicians. The subscribers lost substantial power for the shadow of a declaration, and they assumed to themselves a right to compel their brethren either to adopt a rigid form of words, or to encounter suspicion and obloquy. The non-subscribers could truly say that they did nothing more than refuse to submit to what they thought an undeserved personal imputation, yet they caused great sorrow to the most



religious persons of their communion, and gave a "heavy blow and great discouragement" to the doctrines which they professed, and no doubt truthfully professed, to hold most sacred. The advices of the non-subscribers avoided condemning Mr Peirce, yet they laid down rules under which he would have been dismissed if that had not been already done.

Several other remarks occur on Dr. Calamy's statement.

He does not express himself at all warmly as to the subscription proposed at Salters' Hall, and in his account in its place of the Act of 1718, he does not make any mention of the proposal of the test. He certainly in a very decided manner censures subscription to human formularies as a term of communion, but for authority to support him in so doing, he refers to Chillingworth, and does not appeal to any declaration by his own denomination, or any of its ministers. He takes care to say he afterwards preserved his neutral position between the parties, but shews that the subscribers thought him on their side. He was a phlegmatic man, as his portrait shows, yet anxiously wished to prevent division in his party, which would destroy its influence, and determined not to be connected with any movement which would have that effect. Dr. Kippis, who saw his manuscript, remarks, "that Dr. Calamy lost some credit by not being one of the seventy-three ministers who carried it for the Bible in opposition to human formularies." Mr Rutt, the editor of the autobiography, who feels that the fact tells against the non-subscribers, suggests that the doctor might have a reason against interference of which Dr. Kippis could scarcely be aware, as it does not appear in the MS., but Dr. Calamy does tell us his reasons.

It is evident from the whole account that the Doctor was not a friend of Mr Peirce. His only objection to the Exeter proceedings is that his dismissal was by the committee and not by the people, so completely had the Presbyterians adopted the principle that power should be with the congregations, but his phrase, "all that used to give their votes in the election of ministers" shows that he did not know who the constituent body was composed of at Exeter, and we may infer that there was no settled rule in the Presbyterian churches.

He says "two or three men might have been singled out that were of Mr Peirce's notions," and all his expressions imply that

he did not consider that there were any Arians among the London ministers.

He has the phrase, "these things fell out at the time when the united became the divided ministers," as if the union in London had continued to that time. The division which then took place was not into Presbyterian and Independent, but into subscriber and non-subscriber.

Dr. Calamy, though the facts which he tells of Mr Barrington Shute are altogether to that gentleman's credit, yet intimates dislike and distrust of him, and that not only in the passages cited, but before and afterwards, and states eventually without any dissatisfaction his expulsion from the House of Commons, being then Lord Barrington. Yet notwithstanding Dr. Calamy is the chief authority cited by the Proofs, in all historical matters, the view of the Salters' Hall Assembly is chiefly taken from his Lordship. This nobleman is also put forward as the very embodiment of Presbyterian principle, yet strange to say, he was, until 1719, a member of the church at New Court, though Mr Bradbury had made it an Independent one from being Presbyterian, and then removed to Pinners' Hall, another Independent congregation. Lord Barrington was charged with holding Arian sentiments, and the charge was made use of to endanger his re-election for Berwick-on-Tweed. Mr Bennet, (with whom we shall have to do), denied that his patron was an Arian, though admitting that "he had some particular sentiments in some of the controversies of religion," and no authority is given for the statement in the Proofs, p. 108, "It is notorious that he was very far from any high standard of orthodoxy, and had no horror of sentiments of Christianity in which no proper Trinity made part."

Though the subscribers to the advices did profess themselves to hold the doctrine of the Trinity, there cannot be a doubt that the liberality of this document was one principal cause of the extensive spread of the Arian doctrine, which in thirty years from that time had overspread nearly the whole of the Presbyterian field. The question was, in fact, by many regarded as being neither more nor less than the Trinitarian question, which was the great controversy of the time. In fact there ought to have been no compromise at that time if the body of Presbyterian ministers in London had really regarded the doctrine of the Trinity in the light in which it has appeared to the court below as an essential when the doctrine was attacked by their brother ministers in

the country with a force and strength of argument which must have alarmed even the most confident and induced them, if some very powerful principle or sentiment on the other hand did not restrain them, to do their utmost to protect the doctrine.\*

It is deemed unnecessary to trace the progress of change in the Presbyterian body any further than to the point of the renunciation (not by it as a body, for it never as such bound itself to a creed of any sort, or to the negation of any, but by the greater portion of its members), of the doctrine of the Trinity, because the decrees assumed that renunciation as being such a departure from the intent of the founder that the parties must be brought back by force to the state in which they were before that renunciation took place. In fact the change has not been great since the change which took place in the last century, the beginning of which is to be traced into the very age of the founders, and

\* The important sentences of the non-subscribers' advices are printed on pp. 26, 27, and the following letter accompanied them :

March 17th, 1718-19.

Gentlemen, Fathers and Brethren, Honoured and Beloved in our Lord,

Having heard with great concern of the divisions amongst you, we take the leave you have been pleased to give us, humbly to present you with a few general advices which we judge proper to use ourselves, and would recommend to all on such occasions. We are well satisfied that things of this nature are well known to you, and hope they will not be ill received or unsuccessful. We shall be glad to receive from you the valuable improvements we promise ourselves you will make upon them, or anything with reference to them that you shall think fit to communicate.

We allow not ourselves to form a judgment of your affairs upon so distant and imperfect a view as rumour or representations on either hand, or both, can give us whilst the whole is not before us; your prudence and goodness assure us that we may depend upon the like from you.

We can truly say the advices we send you are the result of serious prayer, as well as long and mature deliberation. They have taken their rise from no party views, and aim at nothing but the common good: we have so calculated them for peace as to secure truth together with it; and for substance they have the approbation of a great number of our principal gentlemen and citizens, as appears in a paper subscribed by them and laid before our committee of the Three Denominations.

We add our earnest supplications that God would accompany them with His blessing to establish peace and truth amongst us, and freely declare that we utterly disown the Arian doctrine, and sincerely believe the doctrine of the blessed Trinity and the proper divinity of our Lord Jesus Christ, which we apprehend to be clearly revealed in the Holy Scriptures; but are far from condemning any who appear to be with us in the main, though they choose not to declare themselves in other than Scripture terms or not in ours.

May the great and good God pour out of His holy Spirit abundantly upon us all, and the prayers of you all be continually for us, that we may increase in grace and in the knowledge of our Lord and Saviour. We are your affectionate brethren and servants in our common Lord, the Ministers in and about London, signed by me in their name and by their appointment.

JOSHUA OLDFIELD, Moderator.

P.S. This letter is to all whom it may concern, and therefore it is desired that it be communicated to all such with the advices.

which, as we have seen, the ministers in London who acted as the representatives of the body in that age were not forward to check.

But whatever it has been, it has been the result (a result which it is impossible to contend they must not have considered as at least possible, seeing the controversies then pending) of the principle adopted by the fathers of Nonconformity that they would have no symbols of faith authoritatively imposed, and that the Bible only was to be the rule of a Christian's faith. It has been by the diligent study of the Scriptures, and the use of those means afforded them for arriving at the sense of them, that many of them have arrived at and continued in the renunciation of the doctrine of the Trinity in any known form, and that they have formed their opinions respecting the person and offices of our Saviour, and they humbly submit that they have done no more than what their founders intended and did in fact enjoin upon them.

Dr. Kippis says, "It is observable that all the fifty-seven ministers were real believers, and most of them zealous asserters of the commonly received opinions with regard to the Trinity." *Vindication of Protestant Dissenting Ministers, 1772, p. 29.*

In the reasons for not subscribing, it is said, "We know no just ground of suspicion, much less of any charge against us (of Arianism). We have not taught any thing like it and have taken all proper occasions to offer our reasons against it, and that not only from the pulpit, but some of us from the press. . . . We have the same faith and opinions concerning the Trinity with our (subscribing) brethren."

In the reply published in 1719, by agreement of a committee of the non-subscribing ministers they say, "Both sides have expressly declared themselves Trinitarians, and it does not appear to us that there is a man otherwise minded, so that to insinuate that we who are all declared Trinitarians shall by common consent agree to the Anti-Trinitarians preaching the contrary doctrine in our pulpits we think is a way of talking that shows as much confusion of mind, as the supposition tends to confound the minds of the people. We agree in declaring against Anti-Trinitarians, Arians, and Socinians. . . .

"Nor is there anything in our advices said against any censure or discipline towards a minister or other Christian regularly convicted of holding and propagating opinions inconsistent with the Christian Faith. . . .

"The declaration we made [of Trinitarian belief] was unanimous as far as could be judged by the most careful observation. It was judged needless to put the negative.

"As we know no distinction between proper Divinity and proper Deity, so we reckon the words proper Divinity very explicit, as they are designed to exclude every figurative and improper sense, and to represent one who is by nature God. . . . We always thought the Deity of the Holy Ghost and Unity of the Three Persons was understood by the 'Doctrine of the blessed Trinity.'

"Our brethren we hope will reckon those with them in the main, who own the unity of the Godhead and the True Deity of the Three Persons; who allow the divine nature and divine perfections ascribed to them in the Scriptures; which are the reason of all our practical regards and the ground of all our hopes from them. . . .

"Our brethren know by our preaching and conversation we are not Arians, nor hold any equivalent doctrines. If the people have a right to know our sentiments on these great articles we are bound to tell them. . . . We make a great difference between explaining the sense of Scripture in other than Scripture words, and subscribing human forms in articles of faith made necessary to salvation. . . .

"A tender and scrupulous regard to the word of God alone, as the standard and test of truth in matters of salvation, would easily hinder us from subscribing human

At all events they submit that when they look back upon the stand which their ancestors made in defence of liberty of conscience as against the imposition of any creed or articles of religious faith, (themselves declaring it the moment the case was submitted to them, to extend to this very doctrine of the Trinity), they cannot but regard the declaration of the courts below, that they and their posterity must for ever receive the doctrine of the Trinity, and of the Atonement, and of Original Sin, as being in fact, though not in words, the imposition of a creed and articles upon them. Where is the sufficiency of Scripture now? Where is the right and duty of free enquiry at those oracles of sacred truth? It is gone, absolutely gone—if this decree be suffered to remain in force.

tests of necessary truth and not at all hinder us from explaining Scripture in our own words. . . .

"The difference between us here does not lie in the Scripture doctrine, which we are for preserving as much as they; but we think, that to preserve the Scripture doctrine, 'tis best to keep the Scripture words in all articles and subscriptions.

"We believe with our brethren that the Scripture doctrine of the Trinity lies at the foundation of Christianity and runs through the whole of it, and is the proper frame and scheme of the Christian religion. . . . We must again tell the world (what our brethren know very well) that we have no controversy with them about the doctrine of the Trinity, but only about the method they have taken to secure it.

"The esteem our brethren declare for the Assembly's Catechism as one of the most excellent summaries of religion, we think we do show in all proper ways, as much as they, by teaching it in our families, schools, and congregations."

Mr Benjamin Andrew Atkinson, minister of the chapel at Great Saint Thomas Apostle, one of the non-subscribers, reprinted in 1719 his confession of faith at his ordination in 1713, with a short preface "to satisfy the world that he had not in the least given in to any new notions concerning the ever blessed Trinity in Unity, but sincerely believed that there is one only living and true God, and that this God is Father, Son, and Holy Ghost," [words from Mr Bradbury's resolution]. In this preface he says, "Our reasons for not subscribing the paper offered to us at Salters' Hall, March 3, have been made public, and I persuade myself, that the unprejudiced part of mankind are convinced our refusing to subscribe, at that time and in that manner, was very consistent with our belief of the doctrine contained in the Article and Catechism, (wherein we are so happy as to be acquitted by our subscribing brethren), and also very agreeable to the principles of the reformation, and to our own principles as Protestant Dissenters, declaring that the Bible is our religion and nothing else. For my own part I thought there was the less reason for subscribing, because I never had been suspected of anything like Arianism, but on the contrary in my course of expounding and preaching, have taken all proper occasions to defend the doctrine of the Trinity in the best manner I could. Besides to subscribe the fore-mentioned paper was out of place, time, and order, for we met to agree upon heads of advice, and not to adjust any doctrinal controversies. And I must own the subscription as then proposed and insisted upon, in my weak judgment, had the appearance of setting up human compositions for a standard of truth; which I could not come into, lest I should seem to charge the Bible with imperfection and obscurity in points absolutely necessary to salvation; though I acquit the subscribers from any such design, and I am fully satisfied we are all of the same sentiments, that the Bible is our only rule, and that all men must judge for themselves by this rule, as well as that the doctrine of the glorious Trinity is most certainly contained in the inspired writings."

Nay, such a decree as this must destroy their existence as a religious community, originating in the poor persecuted ministry whom Lady Hewley intended to patronise and protect ; for it deprives them of their chapels, their funds for educating their ministers, and for the support of the ministers themselves, it strips them of the very funds and endowments which their own forefathers have created. It carries, (as will be seen by the report of the Wolverhampton case), the monstrous and unjust consequence of forfeiting the accretions, which in almost every case, have been made by persons who are not only undoubtedly attached to the liberal principle, but were actually at the time avowed Unitarians. This is a difficulty to be grappled with in almost every case ; bringing with it also minor circumstances of aggravation, such as the ejection of families, whose fathers founded the charities, whose succeeding members have uninterruptedly occupied, and whose remains are interred around ; and this for the purpose of introducing a new body of persons, persons who have no connexion by descent, and little by principle, with the original founders and later benefactors.

They regard moreover the creed which they must now profess, as containing very disputable articles, which have ministered occasion of dispute and discord in the church for many centuries past ; and that though expressed in a few words, it is a creed which prejudges and decides almost all the great questions on which Protestants are divided, and for which all parties equally appeal to the Holy Scriptures. They find upon inquiry that in the course which they have taken they have been but pursuing the same track in which the Presbyterian Church at Geneva, which is in many respects their pattern and parent, had walked ; where in the same spirit of religious inquiry the pastors and people have alike rejected those doctrines, and have adopted what are the present opinions of the English Presbyterians. They have seen much the same thing take place among their brethren in Ireland and New England. They submit, on behalf of the ministers, that the hardship is great if they are to be required to adopt a creed devised in the courts of equity, who were not guided by the advice and assistance of divines, or (as the alternative) to cease to minister to a people who are attached to them, and desirous of attending their ministry : and on behalf of the laity, that it is an intolerable hardship that they shall be driven from the houses of worship in which from Sunday to Sunday, they have been accustomed to assemble for the worship of God from the time beyond which memory cannot ascend, where many of them received the rite of baptism in their infancy, and where they have worshipped all their lives amidst the remains and memorials of their deceased ancestors. They think it an intolerable hardship that at this distant period from the time of the

foundations a new principle is to be introduced, which neither they nor their fathers ever heard of; which is, they humbly submit, as far as information can now be obtained, at variance with the spirit in which their forefathers proceeded when they made such costly sacrifices in establishing these foundations, and utterly destructive of that liberty in which they have ever been accustomed to rejoice as their peculiar distinction amidst the various classes of professing Protestants.

Suppose Lady Hewley to have been heretical in her opinions, and that her object was to make an endowment in favour of liberal opinions, which it was not prudent to avow; what could she do but leave her property in the hands of liberal men with an endowment in favour of godly and pious ministers; taking care not to define wherein godliness and piety consist; and leaving the issue in the hands of divine Providence, with a perfect confidence in the ultimate prevalence of religious truth? What is here presumed as possible in Lady Hewley's case is known with historical certainty to have been the fact in other cases.

So far from their being any sound reason for sifting with ingenuity the possible or probable doctrinal peculiarities of every founder of a dissenting trust, it is submitted that public policy tends strongly towards the admission of a discretion in the management of religious foundations where it is not directly at variance with a founder's declared design. Towards a national religious establishment a progressive power of modification and adaptation according to its varying circumstances, is exercised by the state, which formed and supports it. But a private foundation will, by the late decisions of the Court of Chancery, be subject to no such corrective. The various changes that have been made in the law, having a tendency to multiply diversities of opinions, furnish a reason for acting upon the usage and practice of congregations rather than for seeking out the private and personal opinions of founders of religious foundations. The safest and the wisest principle to encourage seems to be one that may correct, rather than perpetuate, individual errors. The law now enables any private person to establish a religious charity, however crude and vague (or possibly absurd) his own religious opinions may be. He may keep within such bounds as courts of law may sanction, and yet his opinions may be such as to render it a painful duty to any court to give permanence to his opinions—opinions which in the progress of time all mankind may agree to repudiate. The policy consequently of the law should, it is submitted, be, to subject religious trusts to the correction of such parties as there is reason to believe will be seriously disposed to adopt what they conscientiously believed to be true, without being influenced in their belief by undue or partial affections. And this will certainly be best accomplished by leaning against the perpetuation of individual opinions: and by

favouring the subjection of private trusts to that control and correction which the progress of opinion may from time to time supply ; rather than by seeking to find out and render perpetual the peculiar notions of each particular founder, whether he declares and imposes them or not.

#### THE "OCCASIONAL PAPERS."

That work which it is believed long preceded any periodical publication of the sort, is surely of very considerable importance in connexion with the state of Presbyterian opinion antecedently to the Salters' Hall Meeting, and with the conclusion which we have drawn, that the decision there come to was only a development and practical action upon principles entertained long before.

In 1716 we find the leading London Presbyterian ministers uniting to publish an occasional or periodical tract, (price 3d), the object of which has throughout not the most distant allusion to the perversion or support of any given doctrinal opinions, but has, as the prefatory advertisement states, the following design 'as occasion offers and circumstances of affairs require . . . to do the best service . . . to the best of causes, in the cause of truth, liberty, and catholic Christianity.'

That such a periodical should be issued and be so favourably entertained as to extend to three octavo volumes is surely strong evidence not only that there were eminent writers in the denomination zealous in support of its principles, but that there was an abounding body of persons to whom as readers those principles were acceptable, and both those circumstances imply considerable fixedness of opinion and anterior formation and development of decided conclusions.

Dr. Toulmin (the historian of the Dissenters) has, in a communication to the Protestant Dissenters' Magazine of 1798, (vol. v., p. 276), stated the authors of several of the papers, and it will be seen they are names already alluded to as liberal Presbyterian ministers all educated in Lady Hewley's day. He states that Dr. Grosvenor wrote the first on Bigotry ; Dr. Wright the second (The Character of a Protestant). Dr John Evans wrote No. 3. Mr Simon Browne, Nos. 4, 10, and 12. Mr Moses Lowman No. 6, all in vol. I. Mr Moses Lowman also wrote No. 1, vol. II. on Orthodoxy. [The following are the references to the quotations given] :

No. 1, on Bigotry ; pp. 8, 11, 13, 15, 16, 19, 20.

No. 4, vol. I., An Expedient for Peace among all Protestants ; pp. 4, 5.

No. 10, vol. I., a second paper with the same title ; pp. 6, 20, 21, 26.

No. 1, vol. II., 'A bold Paper on Orthodoxy,' by Mr Lowman ; pp. 6, 7, 8, 9, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24.



No. 2, vol. III., 'A Spirited Essay on Bugbears;' pp. 26, 27.

No. 7, vol. III., Of Divisions; pp. 8, 9. The author particularly refers to the doctrine of the Trinity as a source of divisions. 'Different apprehensions in the affair of the Trinity have been always a plentiful fund of quarrel when the good sense of the age had well nigh worn out all others. As men of craft and design got power it was pronounced heresy to speak of these things in other words than what were dressed up for the people, one while no words are so excellent and eligible as words which the Holy Ghost teacheth; another while your subscribing to the whole doctrine relating to this matter in words which the Holy Ghost teacheth signifies nothing.' pp. 11, 12.

No. 9, vol. III., An Essay to prevent Uncharitable Contentions about the doctrine of the Trinity.

'There is lately arisen among us an unhappy controversy concerning a very high and difficult point; the unity and distinction of the Father, Son, and Holy Ghost. When a like dispute disturbed the church about 1500 years ago, all who know the history of those times know what confusion and mischief it occasioned. The first of the methods I mentioned was then tried, I mean of reducing all to a unity of opinion by new determinations, subscriptions, and excommunications; and that in all their variety, and supported with all the power of the empire; but with what ill success the long and furious contentions of those unhappy times declare. And yet how many are still fond of trying the same unlikely methods over again! Can no former experience make us wise?' p. 7.

The whole contents of these three volumes are exceedingly curious and interesting. They are quite decisive as to what must have been the state and tendency of opinion among the leading minds of the Presbyterians for a period (we should say) equivalent at least to all the years of the eighteenth century which preceded the Salters' Hall meeting. That this body should have been only ten years before in so different a state of opinion and feeling as that restrictive foundations can be assumed to have been a matter of intent and design among them appears to us utterly incredible. p. 94.

AS TO THE PECULIAR CIRCUMSTANCES OF LADY HEWLEY'S CHARITY. There is no decisive evidence respecting the particular views of Christian truth which she entertained. From some slight expressions in her will, and from some slight remarks contained in the funeral sermon preached by Dr. Colton on occasion of her death, it has been argued that she held certain opinions which may be described as moderately orthodox; but in fact there is nothing which ought to be regarded as evidence of her reception of the doctrine of the Trinity. It is not however necessary for us to disprove that she might hold that doctrine in some mitigated

form. What is contended for is this, that there is no reason from anything that is known respecting her, to suppose that she was an exception to the general character of the denomination of Christians to which she belonged ; who, though generally holding that doctrine in the times when she lived, did not so esteem it as to set it before the assertion of the right of free enquiry and private judgment, and refused to do anything for the especial protection of it. It is submitted that this freedom from a strong attachment to any particular view among the many which are taken of Christ's Holy Gospel, is apparent in the trust founded by her, which, though a religious trust, is free from any requisition from either administrators or participants of the adoption of any one view of Christ's Holy Gospel, that her instructions that the almswomen in the hospital should be persons able to repeat the Lord's Prayer, the Ten Commandments, the Apostle's Creed, and Mr Bowles's Catechism, is in no sense to be interpreted as if she imposed those as a creed on the higher class of recipients of her bounty, the ministers who were to be educated by her trustees and supported by them in the exercise of their ministry ; that in fact those higher recipients are left in a state of the most unlimited freedom consistent with remaining 'poor and godly ministers of Christ's Holy Gospel.' And it is further submitted that the preference of Mr Bowles's Catechism to the Assembly's Catechism (either the longer or shorter) as a digest of Christian doctrine with which it was expected that the old women candidates for admission to the benefit of the hospital should be familiar is a proof that any orthodoxy of the Dissenters at York, and of Lady Hewley in particular, was at least a very subdued orthodoxy, inasmuch as even the doctrine of the Trinity can hardly be said to be expressly declared in that catechism, while it is wholly free from the tremendous declarations of the catechism of the Westminster Assembly.

If next we look to the original administrators of the charity, we shall find that they also were men of the like sentiments. What Dr. Thomas Colton was we have seen [shall see] in the notice left of him by Dunton, a contemporary. No bigot to any party, but a lover of all good men. Mr Richard Stretton, the other minister in the seven persons who formed the original trust, was also a man of the same liberal spirit. Of the laymen less is known ; but when the next choice of trustees was made to supply vacancies, we find that men are chosen by them who were carried forward by the stream in which Presbyterian nonconformity was flowing. In the whole of those who have formed the trust from the beginning there appears to have been only one exception, Mr Moody. In fact the course of opinion in the members of this trust is an abridgement of the course of opinion, in which the body, which quoad hoc they represented, proceeded. They are, in course, from 1710 to 1833, Arminians,

Arians, and most of them what are now more distinctively called Unitarians.

One would have thought that the phrase by which Lady Hewley designates the objects of her bounty, and which no doubt she thought sufficiently described them, would have been conclusive as to her own opinions. She does not call them ministers, but preachers, and gives them the epithet godly, which had been appropriated to the rigid party equally by themselves, and their enemies; and not content with saying, of the Gospel, she styles it Christ's Holy Gospel. This was not the language of the seventeenth century, or of a latitudinarian, but savoured of the old puritan times and denoted puritan ideas. She had lived all her life among puritans and nonconformists; she was fourteen in the year that the Long Parliament met, and she died just before the formation of the last tory administration which had the power to persecute nonconformists. She was sixty years of age at the Revolution, at which time it is admitted in the Proofs that the whole of her denomination was orthodox, and it may with truth be said they were then rigidly orthodox. To assume without the smallest particle of proof that she changed her opinions at that age showed what desperate shifts the antitrinitarian party were put to. She was a valued friend of Mr Oliver Heywood. Her chaplain, the Rev. Timothy Hodgson, was the son of Mr Heywood's fellow worshipper Captain Hodgson, an Independent. Dr. Colton was her pastor for eighteen years: and his will shews him to have been perfectly orthodox. Mr Stretton to whom the preparation of her trust deeds was committed, was a zealous promoter of the happy union: his successor at Haberdashers' Hall was a Subscriber, and the following ministers were Independents. The trustees of her selection were five out of seven resident in London, as if she meant to confide her charities to the guardianship of the denomination. No person of latitudinarian opinions is stated ever to have been in communication with her. Mr Bowles's catechism is relied on as shewing that Lady Hewley might have been an Arian, and was not a Calvinist. It will be found in the appendix, and will speak for itself. There can be no doubt that Mr Bowles's opinions were those of his brethren. The purpose of his catechism is to present all necessary truth in the simplest and easiest manner, and to avoid all the difficulties of that of the Assembly, which was intended to embody the whole

system of theology with precision, and if the expression is admissible, technically. Lady Hewley no doubt chose it for the same reason, and through friendship for Mr Bowles, who during the interregnum was one of the preachers at the cathedral. She required her almspeople to be poor, piously disposed, and of the Protestant religion, and no doubt calculated that the Presbyterian congregation would not, at any rate while new, supply a sufficient number of applicants for her charity, and that even the bigotry of her cathedral city could find no fault with Mr Bowles's catechism, while it stated sufficiently the method of salvation.

The reader is requested to test what is said of Lady Hewley in the Proofs, that he may judge of the other assertions and arguments which he finds there. This part of the case affords a very good criterion of the whole.

EARLY STATE OF CONGREGATIONS AFFECTED BY THE CHARITY. The Presbyterian congregations in Yorkshire which are peculiarly recommended to the notice of her trustees went through the same change; and this, as it seems, without producing any animosities or commotions like those which prevailed in the Devonshire congregations. No controversial tract did, it is believed, appear, and the congregations passed from Arminianism to Arianism by an imperceptible transition. Such was also the case in the county of Lancaster, and in the congregations of the more northern counties; though most of the last, after a short sojourn in the Arian view of Scripture doctrine, instead of advancing further in Unitarianism, either became extinct or returned back to Arminian and Calvinian views, and elected for their pastors, not divines educated in the English Presbyterian academies, but for the most part natives of Scotland, and sometimes persons who were ministers in the Established Presbyterian Church of that kingdom. This appears fully in the printed evidence taken before the Master on the appointment of new trustees, when these orthodox half-Scotch Presbyterians came forward. This however produced no change in the disposition of Lady Hewley's trustees towards them. It would be easy to give the history of any one of the Yorkshire congregations which were entitled to be benefited in preference to those of any other counties; and it might in many instances be shown, as clearly as can be expected in such a case, in which there are no sudden turns and quick transitions, but only a slow, steady, quiet and unobservable progress, when the belief in the Trinity as commonly expounded disappeared. It may be stated generally that the new or Arian scheme was countenanced in Yorkshire and Lancashire, and in the more northern counties from the beginning of its appearance, that it was making way in the time of the first race of

trustees, and that in the time of 'the second race it had fully established itself, and was widely extended. p. 99.

On the death of Dr. Colton, the congregation invited the Rev. John Buck, then minister of the Presbyterian congregation at Bolton, in Lancashire, to be joint pastor with Mr Hotham. A copy of his invitation, signed by the principal members of the congregation, with the subscription each was willing to contribute, still exists. Of the opinions of this Mr Buck, says the Rev. James Brookes, (*The prevalence of Arianism among English Presbyterians in the early part of the last century*, 1837, p. 21), some idea may be formed from a sermon of his still existing in his own handwriting on the text, 'Ye will not come unto Me that ye might have life.' The whole drift of the sermon is to overturn the Calvinistic doctrine of original depravity, or of man's inability of himself to comply with the terms of salvation. Mr Buck's argument was that this doctrine degrades human nature, is opposed to the gospel scheme, is contrary to plain facts, and overturns God's moral government. He explains what is meant by coming to Christ just as an Arian or Unitarian would explain it.

'To come to Christ, says he, is to believe in Him as a divine messenger sent by God, as the promised Messiah, as that prophet which was foretold by the Jewish prophets who was to come into the world to seek and to save that which is lost. It consists also in taking His yoke upon us, and submitting to His authority as the King and Head of the church, and then further, it is to learn of Him and carefully imitate His example and temper, to imitate Him in His piety towards God, His charity towards men, and His self-government. So that from hence it follows undeniably plain, that the only reason why sinners of the human race perish is, because they will not come to Christ or heartily comply with that scheme of salvation which His gospel proffereth.'

Now these were sentiments of the minister who when Dr. Colton, Lady Hewley's favourite pastor died, the congregation of which she was a member, chose as his successor and as colleague to her other pastor, Mr Hotham, and one may reasonably presume, a colleague agreeing in opinion with him to whom he was thus associated. The interval between her death and the election of Mr Buck was one and twenty years. If the congregation at that time could invite to be their pastor a minister of such sentiments as these it can hardly be that Dr. Colton was a minister far removed from them, or that there was in him, or Mr Hotham, in the York congregation, or in Lady Hewley, that horror of Anti-Trinitarian sentiments which has been imputed to them. It raises, in the absence of proof to the contrary, a presumption that Anti-Trinitarian sentiments had previously existed, when in 1732 there was such a decided manifestation of them. Further, respecting the opinions

of Mr Buck when invited to York he had been only three years settled at Bolton, where he had succeeded the Rev. Thomas Dixon, before mentioned . . . and on the rumour of his intention to leave Bolton and remove to York, it was understood that the Rev. Samuel Bourn would be invited . . . whose Arian opinions are well known. The name of Mr Buck, whose want of orthodoxy is, it is presumed, quite unquestionable, is in the earliest existing distribution list of the trust, the list of 1728, which is in evidence ; a convincing proof that want of orthodoxy, as it is called, was no disqualification from the beginning.

It is one of the hardships of the case that the displaced trustees have to show what were the opinions of a body of persons, most of whom left the world leaving behind them no printed or written memorials of their opinions. When we do, as in this instance, obtain a glimpse of what were the opinions on points of Christian doctrine of the earliest beneficiaries and trustees, we find them more or less removed from any orthodox standard ; we find them in short men loving freedom of inquiry more than orthodoxy, and looking for truth as the consequence of free research in the books of Holy Scripture.

Mr Buck, however, did not accede to the proposal that he should remove to York ; and the Rev. John Brooks was chosen successor to Dr. Colton and accepted the invitation. Mr Brooks was at that time minister of the Presbyterian congregation at Norwich, which congregation on his removal elected Dr. John Taylor for their minister. . . . It is evident that the congregation at Norwich must have been prepared under the ministry of Mr Brooks for the selecting of this zealous and distinguished Arian minister, of whom it has been said by persons of orthodox sentiments that he had done more than anyone to pervert men from the truth ; and that we may reasonably suppose the congregation at York would not have selected Mr Brooks to be their minister had they not been disposed to place themselves under the pastoral care of a minister of like sentiments. There is this additional circumstance in the Norwich case, which shews how excessively difficult it is to draw a line between the ministers of the second race. The colleague, both of Mr Brooks and subsequently of Dr. John Taylor, was the Rev. Peter Finch, who had been minister from 1694. Mr Brooks died at York in October, 1735. His son went as a Bishop to Canada.

The successor to Mr Brooks was Mr Root, of whose opinions nothing is now certainly known. He continued to officiate with Mr Hotham till 1755, in or about which year they both died.

Then came the Rev. Newcome Cappe, a young minister who had been educated first under Dr. Doddridge, in England, and when he died, had removed to the university of Glasgow, the son of a late minister of the

Presbyterian congregation at Leeds. He was a known anti-trinitarian preacher, and continued through life to be as he began, the acceptable pastor of this congregation, preaching rarely on doctrinal subjects, as was the manner of the divines of the school to which he belonged, preferring rather to enforce lessons of morality, and to excite the love of God, and make more intense in the hearts of his hearers the sense of the paternal government of God, and the joyful promise of pardon on repentance, and eternal life contained in the gospel; but at the same time, from the press, and occasionally from the pulpit, defending those anti-trinitarian views of the scripture doctrine which he believed to be the truth of the gospel. He became the minister as long ago as the year 1755, succeeding Mr Hotham, who had been Lady Hewley's own pastor, and coming the third in succession after Dr. Colton, who died twenty four years before. He was elected by the congregation, that is, he was elected by a congregation who had been under the ministry of Dr. Colton and Mr Hotham, the two pastors of Lady Hewley, and many of whom must have remembered Lady Hewley herself, who had died forty-five years before; and so satisfied were they in their choice, that whereas formerly they had had two pastors, they chose Mr Cappe as their sole and only pastor. It is asked whether his election is not a decisive proof that Lady Hewley's pastors had not inculcated a trinitarian Christianity with any of the earnestness which has been assumed to have been the case, if they had not themselves adopted Arian notions, which is the more reasonable and probable supposition. But the argument on the election of Mr Cappe does not end here. As soon as Mr Cappe was elected pastor of this congregation he was ordained. The ordination took place in the chapel at York, on the 26th day of May, 1756. The certificate which was given him by the ministers present is signed by the following names: William Whitaker, John Angier, Thomas Whitaker, Thomas Walker, J. Harris, Edward Sandercock, Jeremiah Gill, Thomas Ellis, and Benjamin Clegge. Now in these names we recognize several which are those of senior ministers in the county, some who in their youth were contemporaries of Lady Hewley, and some who had been beneficiaries under the trust from nearly the beginning, and it is earnestly submitted to the consideration of the high tribunal before whom this case is brought, whether there is not here the most decisive evidence which the nature of the case admits, that as long ago as 1756 and by persons better able to form a judgment, the admission of ministers of anti-trinitarian sentiments to the Presbyterian congregations and to the benefit of this fund, was not admitted, sanctioned, and approved. It is alleged by the relators themselves that Mr Cappe was a Unitarian, a position which no one can doubt.

The first name is that of William Whitaker. This gentleman became the minister of the Presbyterian congregation at Scarborough, in 1725, and was one of the largest beneficiaries under the trust, as appears by the distribution list of 1729. Thomas Whitaker, one of the few liberal Independents who joined and acted with the Presbyterians, of a different family from the minister just mentioned, was the pastor of the congregation meeting at the chapel in Call Lane, Leeds, to which office he was appointed in 1727, and which office his father before him had held. Thomas Walker was the minister of the Presbyterian chapel on Mill Hill, in Leeds, where Dr. Priestly succeeded him, and had settled there in 1748, as successor to the father of Mr Cappe. But he had been before that time the minister at Durham and Cookermouth, having been born in one of the northern counties in 1705. He was the grandfather of one of the lately ejected trustees, and has left evidence of the absence of all Trinitarian doctrines from his creed in a printed sermon on the opening of the new Presbyterian chapel at Wakefield. John Angier was the minister at Swanland, and John Harris at Beverley. Edward Sandercock was a retired minister of ancient standing residing at York, where he had married a lady of a family (the Wyndlows) who were intimately connected with Lady Hewley. He had been in early life a minister in London, and was of Arian sentiments. Jeremiah Gill was one of the Arians of Doddridge's academy, the minister at Gainsborough, where he had succeeded Ambrose Rudsdale in his congregation, who had been a trustee of this charity. Thomas Ellis had also been educated under Doddridge, in whose academy he was of two years' earlier standing than Mr Cappe. Benjamin Clegge was a young minister at Cottingham. Thus the ministers passing off the stage concur in 1756, in placing a Unitarian minister in this Presbyterian place; Lady Hewley's own congregation having been pleased to elect him their pastor.

It is submitted that this being the case, the senior Yorkshire ministers in 1756 cannot have been themselves orthodox, nor can Lady Hewley's own pastors have been accustomed to insist in their public services and in their private admonitions on the great importance of faith in the Trinity or the atonement; that had they done so, the congregation could not have concurred in the choice of such ministers as Mr Buck, Mr Brooks, and Mr Cappe; and that having chosen Mr Cappe their sole pastor the trustees of Lady Hewley's foundation would not have continued as they did, the allowance to him out of the fund, unless it had been known to them that there was no departure from the true spirit of the foundation which they had to administer, if there was in fact a departure deserving of notice, which may be reasonably doubted, in the opinions of Mr Cappe from those of his predecessors.



The next minister was the defendant Mr Wellbeloved, so that there was in fact only one minister between him and Mr Hotham (Lady Hewley's pastor) and that one Mr Cappe was an avowed anti-trinitarian.

We are not told the date of Mr Buck's manuscript sermon, and most likely it is undated, and this deprives the quotation of any value which it might possess. It does not follow if he preached it five years later than 1732, that he would have preached it five years before that year. Concealment of heterodoxy in that year, and for some time afterwards, was the rule. Mr Buck did not go to York, and if he were Arian in his views he may have thought the congregation too orthodox for him.\*

No composition of Mr Brooks, who did fill the vacancy, has been produced. The only argument against his orthodoxy is founded on the circumstance that Dr. John Taylor succeeded him at Norwich, but that learned man had not then published the writings which evinced his heterodoxy, he was temperate and moderate in all his words, and even his sermon on the re-opening of his Norwich chapel, reprinted during the litigation, contains few, if any, expressions relating to doctrine which would convict him of Arianism. No reflection is intended on a man so distinguished, since the habits of his party, and his own taste, would lead him to preach almost exclusively on "practical subjects," so

\* His sermon is described as Anti-Calvinistic, but if the congregation to which it was preached had become Anti-Trinitarian, they would have been past needing a refutation of Calvinism. In the Irish cases it was held requisite to prove that a sermon was preached as well as written, as men obliged to conceal Arian sentiments, either as a relief to their minds or to testify their opinions after their death, frequently wrote sermons which they dare not preach, but no doubt this sermon was preached. Mr. Brooks in his pamphlet gives this further quotation from it. "Multitudes of professing Christians declare they cannot come to Christ, they cannot do any thing good, they are dead in trespasses and sins; they have no power to do good works: and as this is a notion that has a direct tendency to bolster men up in wickedness, because they can do no better, and is a comfortable doctrine to the lazy soul, and lulls the conscience of the wicked asleep, it may not be improper to enquire whether it is a true notion or not." "Death tries the truth of principles, and if men are ever serious, they are serious then; and suppose a person addressing him (that is a sinner) after this manner—You seem to be under dreadful apprehensions and fears about your past conduct, but they are all needless; for you came into the world under a necessity of doing evil, you could do nothing else but sin, you need not be troubled that you have done no good in the world, for you had no power to do good. You have wronged and injured your neighbours, but you could not help it, &c.—But this is not the language of a death bed. None then will impute their ruin and condemnation to God. They then lay the blame where it ought to be laid, upon their own obstinate wickedness." It should be noticed that Mr Buck puts the erroneous notion into the sinner's own mouth, and then tests it by supposing it returned to him on his death bed by another person. It seems by no means certain that Mr Buck was heterodox; his expression quoted in the text "the scheme which the gospel proffereth" is applicable only to the doctrine of the atonement.

sanctioned (and which is exactly that for which the present trustees are removed) was in accordance with that intent. p. 102c.

THE DISTRIBUTION BY THE ORIGINAL TRUSTEES IN THE FOUR NORTHERN COUNTIES, AND THE OPINIONS AND POSITION OF THE PARTIES ENGAGED THEREIN. Supplement No. 1.

In the administration of the trust the practice from the beginning has been to place the distribution of the benefactions awarded to the ministers, in particular districts, in the hands of some one or two persons. Thus Dr. Colton, one of the trustees, undertook the distribution for Yorkshire; and the minister of the congregation in Hanover Square, Newcastle-upon-Tyne, has been usually, perhaps always, one of the distributors for the four northern counties. The congregation was one of the most considerable in the north. It was founded by Dr. Richard Gilpin, one of the ejected ministers, a man of great eminence and influence, who had declined the bishopric of Carlisle, when offered to him by king Charles the Second. Dr. Gilpin died in 1699, too early to make what his principles were of great importance; but it is of great importance to observe what was the character of the principles of Benjamin Bennet, his successor, and of the congregation in his time. He died in 1726, minister of this congregation, and was succeeded by Dr. Lawrence, the distributor in 1728. He left in 1733, to become pastor of the Presbyterian congregation assembling at the chapel in Monkwell Street, London. Here he remained till his death in 1760, having had in the latter part of his ministry for his assistant or co-pastor the celebrated Dr. James Fordyce, who pronounced a panegyric upon him in a sermon preached on occasion of his death. In this sermon, which was published in print, we have little concerning the peculiar sentiments of Dr. Lawrence, but enough to show that they had departed from the standard of orthodoxy, as had the sentiments of the congregation to which he was pastor. [This paragraph is a condensation of several sentences.]

Beyond all doubt Dr. Gilpin was a Trinitarian and a Calvinist, and he prepared the heads of agreement between the ministers of Cumberland and Westmoreland. A great effort is made to impeach the orthodoxy of Mr Bennett, and from no other writer are equally long extracts given in the Proofs. They are to be found in the supplement under consideration, and are only referred to in the section containing quotations of kindred natures from other authors; but in these pages they can be best dealt with by the converse arrangements, and the vindication of Mr Bennet is therefore postponed here and we pass on to Dr. Lawrence. It must be admitted that his colleague, Dr. Fordyce, had so far departed

from evangelical sentiments that his successor had great trouble to persuade people that he had not before his death sunk into mere deism, so that his praise should not without inquiry be allowed to injure Dr. Lawrence's reputation. Dr. Lawrence removed from Newcastle to Monkwell Street, London, where his immediate predecessor was the Rev. Daniel Wilcox, who dismissed his assistant, the Rev. Henry Read, for Arminianism only. While there he was one of the Friday lecturers at the Weighhouse, which seems sufficient warrant of his orthodoxy. Dr. Lawrence's opinions are of consequence to us only as they may indicate Mr Bennett's, which are to be learned from his writings. A great point is made of Bennett's heterodoxy, not only as the agent of Lady Hewley's trustees, but to put in the same list with him Dr. Isaac Worthington, of Durham, and Dr. Samuel Leetham, of Sunderland, leading men among the Presbyterians of the north, whose opinions can be gathered only from the circumstances of one preaching Mr Bennett's funeral sermon, and the other editing his sermons. The displacement of Mr Bennett from the anti-trinitarian ranks will be very destructive to the case of the Socinians.

Penrith chapel from 1718 to 1750 had two ministers. Samuel Threlkeld, who removed to a congregation alleged to have been Arian, at any rate not Trinitarian, whatever that may mean, and Samuel Louthion, who succeeded Dr. Lawrence at Hanover Square, Newcastle, and from an extract from one of his sermons, seems to have been undoubtedly heterodox in the latter part of his life.

Penriddock had for its minister the Rev. Joseph Dodson, but no proof is adduced as to him in addition to the extracts from his sermons the main part of which is set out at p. 98.

The opinions of Dr. Dickson, of Whitehaven, are inferred from those of his pupils mentioned in p. 82.

At Kendal there was Dr. Caleb Rotheram, who Mr Hadfield allows to have been an Arian, which Drs. Bogue and Bennett leave doubtful.

At Crook, near Kendal, there was Mr Samuel Bourn, who removed to Birmingham in 1719, and he must be admitted to have soon afterwards avowed himself an Arian. This is the information given as to the northern counties.

It appears, then, that the ministers in the four northern counties, which were to be, next to Yorkshire, the scene of Lady Hewley's benefactions, were, as to all the more eminent of them in the time of the first

race of trustees, 1710 to 1730, belonging to the class of the free inquirers with the leaning from a Trinitarian Christianity, and that the congregations in general belonged to that class. The case is now different. What has happened in many other parts of the kingdom happened here : namely, that it was found that the acting on this principle, and a result of it, a departure in the ministers more widely from the point of reputed orthodoxy, were not adapted to the taste or the information of the inhabitants of these regions ; so that most of the congregations in these counties, after having had ministers of the rational or liberal class, declined ; and such as continue to the present day, with the exception of Newcastle, Kendal, Stockton, and perhaps one or two others, have returned to orthodoxy. Under all the varying phases of opinion the conduct of Lady Hewley's trustees has been the same, the benefactions being given alike to the rational and the orthodox minister, whichever might be selected by the congregation.

It appears, therefore, when we look upon this field of their labours, that the influence of the first race of the trustees was thrown into the scale of freedom of religious inquiry as weighed against an adherence to creeds, and other authoritative exhibitions of what is supposed to be scriptural and divine truth ; that they did from the beginning support the principle of the non-subscribing party in the great division of 1719, and that the funds were from the beginning thus devoted to those who had a leaning to heretical opinions, and continued to be applied in the northern congregations, where they had very generally adopted a system of Christian doctrine in which neither the Trinity nor Original Sin 'as commonly understood' found a place.

And on the whole it is submitted that it would have been just as equitable in a court to have interfered with the first race of trustees, and to have bound them to exact from the ministers benefited by them subscription to the doctrine of the Trinity and the doctrine of Original Sin, on the presumption that these doctrines were held by the lady whose benefactions they had to administer, as it now is ; and that since it must be presumed that the original trustees named by herself, and in which Dr. Thomas Colton, her friend, and pastor, and executor, and spiritual adviser, was included, must have known her meaning and intent, and that if there had been any error in the administration at the beginning, it would have been corrected, especially as the two parties of Dissenters were at that time in such direct hostility, it seems that now a new principle ought not to be introduced, a principle which is directly at variance with the great principle on which that part of the Dissenters to which the administration seems to have belonged acted : namely, that the scriptures alone were to be subscribed to, and that it is the right and duty of every man, and especially of every minister, to search that book

for himself, and to make known the results of his inquiry, even though those results were unfavourable to what was deemed orthodoxy.

And further, that this freedom of religious inquiry is entirely destroyed, when it is declared that two such important doctrines as the Trinity and Original Sin as commonly professed, shall be assumed as necessary results to which every one must come on pain of disqualification and exclusion.

The Presbyterian Dissenters of England have, since the Toleration Act gave them a legal existence and political character, fought manfully the battle of the freedom of the human mind from the restraints imposed upon it by creeds embodying the sentiments of men of other ages, when the word of God was open to the view and study of all men, and sought to gain for themselves the liberty of inquiry and public profession of the results of it. To this principle they have adhered even to the sacrifice of such a doctrine as the Trinity, which many of them at the beginning held sacred : and now come forth a body of persons for the most part strangers to them and having no connection with the founders, who gave their substance in assertion of this principle and to enable their posterity to conduct the worship of God in decency and comfort, who draw from the courts below decrees which are utterly subversive of this their cherished and valued principle, which force upon them a creed to which they are reluctant, because they deem it deficient of scriptural authority, and thus compel them to make the present appeal to the wisdom and justice of this high tribunal.

**ESSENTIALS OF CHRISTIANITY CONSIDERED TO BE INVOLVED.** It is in the last place submitted that whatever difference of opinion in respect of the points of the Trinity, the Atonement, and Original Sin may be between the founders and the late administrators of these trusts, the difference is not so great when the mind is turned from the words in which the doctrines are couched and directed on the thing which is signified as to create a necessity for removing them from the administration of this trust. There is apparently great difference between Trinitarianism and Unitarianism, but when what is really believed is understood, it is found that the great truths and principles of the Christian dispensation are common to both. But on this subject (in addition to such testimonies as have been before cited from Locke, Dr. Hey, and others) the appellants desire to offer the following view of what constitutes genuine Christianity in the opinion of an eminent prelate of the English church, Dr. Edmund Gibson, Bishop of London in the reign of King George I., as expressing with scarcely a shade of difference what are their own opinions, and which they presume would not have been thought by any court doctrines which would disqualify that prelate for the administration of any Christian trust.

'It will appear that the several denominations of Christians agree both in the substance of religion and in the necessary enforcements of the practice of it; that the world and all things in it were created by God and are under the direction and government of His all-powerful hand and all-seeing eye; that there is an essential difference between good and evil, virtue and vice; that there will be a state of future rewards and punishments according to our behaviour in this life; that Christ was a teacher sent from God, and that his apostles were divinely inspired; that all Christians are bound to declare and profess themselves to be His disciples; that not only the exercise of the several virtues, but also a belief in Christ is necessary in order to their obtaining the pardon of sin, the favour of God, and eternal life; that the worship of God is to be performed chiefly by the heart in prayers, praises, and thanksgivings; and as to all other points that they are bound to live by the rules which Christ and His apostles have left them in the Holy Scriptures. Here then is a fixed, certain, and uniform rule of faith and practice, containing all the most necessary points of religion, established by a divine sanction, embraced as such by all denominations of Christians, and in itself abundantly sufficient to preserve the knowledge and practice of religion in the world.' Second Pastoral Letter, 1735. pp. 120, 121.

Of Archbishop Tillotson his biographer says, 'The Scriptures were the rule of his faith, the chief subject of all his meditations. He judged that the great design of Christianity was the reforming men's natures, and governing their actions, the restraining their appetites and passions, the softening their tempers and sweetening their manners, and the raising their minds above the interest and follies of this present world to the hope and pursuit of endless happiness.' Birch's Life of Tillotson. p. 50.

To this they add the declaration of Baxter, one of the fathers of the sect to which they belong, in his work entitled, *The Cure of Church Divisions*, 1670, p. 210. 'In a word the effectual belief of pardon and eternal glory given through Christ, and the love of God and man, with the denial of ourselves and fleshly desires, and contempt of all things in the world which are competitors with God and our salvation, with a humble patient enduring of all which must be suffered for these ends, is the nature and sum of the Christian Religion.'

Dr. Thomas Manton, another father of English Presbyterian dissent, one of the ministers ejected with Baxter in 1662, has exhibited what in his view the doctrine of the Trinity, of which so much has been said in the courts below, really is.

'Then do we honour the Trinity in Unity, not when we conceive of the mystery, but when we make a religious use of this high advantage

to come to God in the name of Christ by the Spirit, and look for all from God in Christ through the Holy Ghost. Direct your prayers to God the Father ; Christ prayed to the Father 'I thank thee, O Father, Lord of heaven and earth.' So the saints in their addresses, 'For this cause I bow my knees unto the Father of our Lord Jesus Christ.' [Pray] in the name of Christ, 'Whatsoever ye shall ask in My name, that will I do.' [Pray] by the Spirit, praying in the Holy Ghost, 'likewise the Spirit itself also helpeth our infirmities, because He maketh intercession for the saints according to the will of God.' Christians need not puzzle themselves about conceiving of Three in One, and One in Three, let them in this manner come to God, and it sufficeth ; make God the object, and Christ the means of access, and look for help from the Spirit.' Works, Vol. III., p. 272.

This the appellants submit to have been at the utmost the view of that doctrine which the Presbyterians at the time of the foundation of these trusts did generally take. Others might express themselves more strongly on the importance of the doctrine, and might represent it as more mysterious. But they were the exceptions. Such men as Baxter and Manton formed the rule, as far as rule there was, in a body of Christians who made it their principle to be *Nullius addicti jurare in verba magistri*. So in the next generation Dr. Edmund Calamy, who is, if any, a representative of the feeling of the body of which he was the historian and ornament, in his *Thirteen Sermons on [in defence of] the Trinity* published in 1722, came to this conclusion, so opposite to the spirit of the decree which forces the orthodox Trinity on the modern Presbyterians.

'What indeed is it to us how these things are ; as to the circumstances of which God has not thought fit to make us any discoveries, and in which (let the way and manner of them be of one sort or another) our duty has no concern ? Let us be thankful for what knowledge we have, and make the best use of it we can, and in the meantime humbly own our ignorance and darkness as to the way and manner of what God hath been pleased to reveal to us with reference to the substance of this doctrine. And whatever we are ignorant of, or in the dark about, let us conclude (as we have good reason) that if we have but the grace of our Lord Jesus Christ, and the love of God, and the communion of the Holy Ghost with us, we have not only as much knowledge of the blessed Trinity as is necessary to our being scripturally orthodox in that doctrine, but as much knowledge of it as is necessary to secure us of happiness, peace, and comfort, both in this life and the next.' *Thirteen Sermons on the Trinity*, preached at Salters' Hall, 1719-20, edit. 1722, p. 387.

Such preaching evidently prepared the congregation at Westminster,

of which he was the pastor, to admit the decided Arianism or Unitarianism which, in fact, followed under the ministry of his successors, Dr. Kippis and Mr Jervis.

A supplement to the Proofs intended to raise Arians and Socinians to an equality with champions of the Establishment, forms a proper pendant to the attempt to reduce Dr. Manton and Dr. Calamy to the Socinian level.

#### SUPPLEMENT ON THE DOCTRINES OF ORIGINAL SIN AND ATONEMENT.

It having been argued that Lady Hewley's opinions must have been Trinitarian and Calvinistic on account of the supposed recognition of the doctrines of Original Sin and the Atonement; the first as contained (though in a modified form as compared with the Assembly's Catechism) in Bowles's Catechism; the second as to be collected therefrom and from the funeral sermon, it is thought proper to add some remarks on those two doctrines, which in fact have been held and were held at the time by Arians, and do not in any respect make out the proposition contended for.

1st, as to Original Sin. This doctrine it is well known has been variously explained by divines of the Church of England of the highest name and authority. By one it has been held in one sense, by another in a different sense. Bishop Heber's *Life of Bishop Jeremy Taylor*; 3rd edition, p. 226. Professor Hey's *Lectures*, 2nd edition, vol. III., p. 148. Dr. Tomline, (late Bishop of Winchester), in his *Elements of Christian Theology*, a work in much estimation, especially among those of his own communion, speaks on this subject much in the same manner with Dr. Hey.

'As the scriptures do not inform us what were the full and precise effects of Adam's disobedience upon his posterity, it is, perhaps, scarcely to be expected that there should be an uniformity of opinion among divines upon that point; we may, however, observe that the difference between those who confine Original Guilt to a mere liability to death and sin and those who extend it to a liability to punishment also is not very material, since both sides admit that Christ died as a propitiation for all the sins of the whole world whatever were the nature and character of those sins.' Vol. II., pp. 241, 242, 9th edition.

Admitting this account of the doctrine of Original Sin it may be proved that numbers of Arians or Unitarians have been believers in it. The fact is that upon this subject they differ among themselves, as Trinitarians and other Christians do. Not many of them, perhaps, will be found to express themselves exactly alike; and it is not to be inferred that because one or more among them may express, generally and broadly, their disbelief of the doctrine of Original Sin, therefore, all are ready to do so. On the contrary a little acquaintance with their



writings will show that many of them have held the doctrine in question in a much stricter sense even than some distinguished divines of the English church. p. 135.

It is not to be understood by these quotations that all Unitarians, especially those of the present day, would concur in these views of the doctrine of Original Sin [from the author of an account of Mr Firmin's religion, the Rev. Samuel Bourn and Milton's Christian Doctrine, 260, 261, 267], any more than all Trinitarians would assent to the representations which are given of it by Jeremy Taylor, by Professor Hey, or by the late Bishop of Winchester, but they are cited for the purpose of showing that the profession of Arian or Unitarian opinions is no test or measure of a man's faith on other points, and that such opinions have been often held in conjunction with a belief in Original Sin, and might be so by Lady Hewley or any Arian of her day.

2nd. On the Atonement. What has been said of the doctrine of Original Sin may be said also of the doctrine of the Atonement. Among eminent divines of the Church of England as well also among those belonging to the Independents, views and explanations have been given of this doctrine, which differ very much from one another, if not in the ideas intended to be represented, certainly in the form and manner of expressing them. It is candidly acknowledged by Bishop Butler :

'Some have endeavoured to explain the efficacy of what Christ has done and suffered for us beyond what the Scripture has authorised ; others probably because they could not explain it, have been for taking it away, and confining his office as Redeemer of the world to his instruction, example, and government of the church. Whereas the doctrine of the gospel appears to be, not only that he taught the efficacy of repentance, but rendered it of the efficacy which it is, by what he did and suffered for us ; that he obtained for us the benefit of having our repentance accepted unto eternal life ; not only that he revealed to sinners that they were in a capacity of salvation, and how they might obtain it, but moreover that he put them into this capacity of salvation, by what he did and suffered for them ; put us into a capacity of escaping future punishment, and obtaining future happiness. And it is our wisdom thankfully to accept the benefit, by performing the conditions upon which it is offered on our part, without disputing how it was procured on his.' *Analogy of Religion*. p. 247, ed. 1802.

'The sacrifice of Christ,' says Archbishop Magee, 'was never deemed by any who did not wish to calumniate the doctrine of Atonement to have made God placable ; but merely viewed as the means appointed by divine wisdom through which to bestow forgiveness.' *Discourses on Atonement and Sacrifice*, vol. I., p. 22, 5th edit.

Dr. Hey in the appendix to the eleventh article on the Doctrine of the

Atonement, says: 'The Christian might make his profession in some form like that before used, 'I believe that God will confer eternal happiness on all sincere Christians notwithstanding some imperfections of theirs, on account of the merits, the sufferings, and the death of Jesus Christ.' Lecture, vol. III., p. 327.

Now these views of the Atonement as thus stated by Bishop Butler, Archbishop Magee, and Professor Hey are very much the same as those entertained by many distinguished Arians or Unitarians, such as Milton, Mr Bourn, Dr. John Taylor, Mr Peirce of Exeter, Dr. Price, &c., and if other Unitarians have written upon this subject in a somewhat different strain, it only proves that among them as well as among Trinitarians also, there is no exact agreement, no perfect unity of opinion, upon all the various points of Christian doctrine, and that the fact of a man's profession of Unitarianism, of his being a believer in, and worshipper of one God in one person, does not of itself determine what his belief is either in the doctrine of Atonement or on that of Original Sin.

There are probably very few Unitarians who would object to the explanation given of the sacrifice of Christ in the words before quoted, of the great defender of the doctrine of the Atonement, Archbishop Magee. With him they regard it as 'the means appointed by divine wisdom through which to bestow forgiveness.'

[Biddle, Milton, Bourn, Peirce, Dr. Taylor, and Dr. Price, are then quoted].

From these and many other similar passages which might have been quoted from Arian and Unitarian writers it is clear that the denial of the doctrine of Original Sin and of the Atonement is by no means a consequence of the denial of the doctrine of the Trinity, but that on the contrary, the denial of the doctrine of the Trinity has been and is frequently accompanied with a belief in both the other-mentioned doctrines.

The passages, therefore, from Bowles's Catechism and the funeral sermon can raise no fair proof of Lady Hewley's conforming to the Calvinistic or even the Trinitarian creed. It is notorious that the points on which these allusions turn are those in which the relaxation was earliest, so early as to gain their name (Baxterianism) from a divine who died in the seventeenth century. Arminianism, it is also clear, was early prevalent, and the language quoted would apply, no one can doubt, to Arminian views, but if we are to give license for deviations into Arianism [query Arminianism] we can see nothing to prevent a further progress to High Arianism, &c.

The high and strict tone of Calvinistic doctrine on these subjects we have already seen was the first point of difference among the Presbyterians and Independents, and broke up 'the Happy Union' in 1694.\*

\* The strange assertions of these last two paragraphs will be the subject of remark hereafter.

It seems necessary to set out, nearly in full, the section of the Proofs which contains quotations intended to show what is there termed the liberality of the Presbyterians before 1709, the fact of that liberality being the chief question at issue in the litigation, and it has been thought most convenient to postpone that section to the end of the appellants' statement, and to prefix to it, or incorporate with it, the other quotations bearing on the same subject. By this means the argument is better presented to the reader, and is also better answered.

SEPARATION OF PRESBYTERIANS AND INDEPENDENTS IN 1696, AND ITS GROUNDS. Doctors Bogue and Bennett (the Independent historians of dissent, the latter being one of the relators' witnesses) thus describe the progress to Arminianism and thence onwards.

'The controversy in the former period\* respecting the works of Dr. Crisp is said to have proved injurious to the Presbyterian interest. The evils of the Antinomian system, Dr. Williams, one of their body, had exposed with great clearness and force. His pieces were much read by the young ministers of that denomination, and inspired them with horror for everything which had the name of Antinomianism, and produced a determination to keep as great a distance from it as possible. In their fear and flight they unwisely cast away a part of the truth. The doctrine of grace had been abused to licentiousness, and they kept it out of the people's sight; the righteousness of Christ had been perverted into a contempt of sanctity in heart and life, and instead of glorying in the truth and enlarging on it with all the ardour of the most cordial delight, they either omitted it altogether, or only introduced it to show how much it might be abused. Through the unhappy influence of such sentiments they gradually receded from the truth, and many of the Presbyterian ministers departed from the Evangelical doctrines into Arminianism and High Arianism, and some at last into Socinianism.'

Arminianism was certainly the first step taken by those who quitted the strict faith of the old Nonconformists. But at the very earliest period, when we learn that Arminianism was making progress, we find it jealously watched as connected with a tendency to further laxity, even to Socinianism.

A book was published in 1697 with this title: *The Growth of Error*, being an exercitation concerning the rise and progress of Arminianism, and more especially Socinianism, both abroad and now of late in England. The writer states in the preface: 'When I first observed how suddenly the Socinian heresy spread itself throughout the nation I

\* The quotation refers to the second period of the authors, from the death of Anne to the accession of George the Third, their first period having been from the passing of the Act of Uniformity to the death of Anne.

could not satisfy myself without making some inquiry how it came to pass. . . . I have traced out some footsteps in the Arminian party conducing towards the Socinian cause. . . . As there are gradual recesses from the truth, the first and least observable turn from it prepares the way for greater, but while near unto truth the error is so like it that it cannot be easily discerned or detected, and he who makes the first step towards it doth, ere he is aware, slide into greater. . . . How many slide into Arminianism, and from thence pass over to the tenets of Socinians.' p. 3. 'The Arminians who pretend a middle way between the orthodox and Socinian are, in the twinkling of an eye, fallen under Socinus, his banner.' p. 84.

[Quotations are then made from Calamy's *Life of Baxter*. Vol. I.; pp. 537, 549, 550, 560. Burnet's *History of his Own Times*. Vol. II; folio, p. 248, besides Dr. Toulmin's account.]

The controversy with Dr. Daniel Williams turned on the imputation of Christ's righteousness, which the orthodox believe in respect of a sinner's justification (or pardon and acceptance,) but not, as the antinomians do, in respect of the unrepented of and unforgiven sins of a justified man. So that neither Original Sin nor the Atonement were involved in the matter, as supposed in the paragraph at the end of p. 136. Dr. Bogue and Dr. Bennett throw the blame almost exclusively on the Independents, as it is not known that a single Presbyterian at that time held Arminian notions.

Mr Howe gives the following account of the manner in which the controversy was brought to an end. "This [a scheme of doctrine reduced into an order] through the blessing of God such as have used a sincere and ingenuous freedom with one another have found an effectual expedient to deliver their minds from mutual doubt concerning each other, that because of some different modes of expressing their sentiments they held very different opinions: which they have found to be a mistake on one hand and the other, and have given and received satisfaction. They intended nothing that ought to be reckoned into the account of Socinian, Pelagian, Popish, Arminian, or Antinomian errors." The doctrines in which, as Mr Howe testifies, they were all agreed, will be found in a subsequent page.

The declarations published by or in behalf of the United Ministers of London in 1693, 1695, and 1696, in their attempts to preserve the Union, all express continued adherence to the standards acknowledged in the Heads of Agreement.

There are two authorities for the assertion that the Presbyterians retained Calvinist opinions almost up to the time of the Salters' Hall meeting, which are perfectly conclusive in answer to the Proofs, and to all who took the Socinian side in the controversy, and which can scarcely be gainsaid by any one.

Dr. Nichols, in his attack on the Dissenters in 1715, having said: "If we consider the different phrase and method of their prayers, some being Calvinistical, others Arminian, though we could think the Holy Spirit would descend to the singularities of these theologists, yet we must not charge him with such contrarieties and clashing as they are guilty of." Mr James Peirce answered, "Who, I pray, are those Arminians among us? Our author, perhaps, here meant the Quakers or some of the Anabaptists. But if we will speak the truth, the Arminians themselves are hardly Arminians in offering up their prayers to God." *Vindication of the Dissenters*; 2nd edition, corrected 1718, p. 401.

Dr. Calamy, in his *Brief but True Account of the Protestant Dissenters in England*, 1717, p. 44, says, "But notwithstanding these and some other such differences among themselves [on the mode of church government and baptism] they generally agree in the doctrinal articles of the Church of England (which they subscribe)\* the confession of faith, and larger and smaller

\* Dr. Calamy mentions subscription here not merely as a legal necessity, but as a real consent of the mind, and nowhere gives a hint of any objection being felt by his own body to the requirement or the practice, though writing purposely to inform foreign Protestants of the opinions of the Nonconformists he was bound to state if it had existed.

In the same manner reference is made to the matter by other Presbyterians.

Baxter says, in 1676, "We readily subscribe the doctrine of faith and sacraments contained in the Thirty-nine Articles;" in his account of *The Profession of several whom these times have made and called Nonconformists*: and in 1680 "We subscribe the doctrine of the Church of England in the Articles;" *The second part of the Nonconformist's Plea for Peace*, 192.

In 1695, the author of *Notes upon the Lord Bishop of Salisbury's four late Discourses*, p. 16, says, "The Dissenting ministers by their subscriptions plainly show there is no separation on their part."

Nathaniel Taylor, in 1702, says, "Our churches are a sound and orthodox part of the church, and the doctrinal articles of the Church of England are sound and orthodox, which we have subscribed to." *Dr. Sherlock's Cases, &c.*, considered, and the Dissenters vindicated from the Charge of Schism. p. 44.

Theophilus Lobb, in 1712, says, "Do our conforming brethren plead their subscription to the doctrinal articles of the church? We boldly plead the same." p. 88.

Dr. Charles Owen, in 1715, says, "We profess no religion but that of the church, whose doctrinal articles our ministers subscribe *ex animo*, as a test of their Protestantism, and, I am sure, stick closer to them than many of the church."

catechisms, compiled by the assembly of divines at Westminster, and the judgment of the British divines at the synod of Dort about the quinquarticular controversies."

Mr Joshua Wilson says that one of the earliest avowed Arminians among the Presbyterians was Dr. George Benson, who left Abingdon in 1729 on becoming such, as his change of opinion was disapproved by his people. He had previously published three sermons to the young, which he afterwards suppressed. Mr Walter Wilson bears testimony to the Calvinistic opinions of several who are mentioned in the Proofs in a manner which would induce a very different impression, as for instance with regard to Dr. Wright. Reasons for believing that the great bulk of the Presbyterians were not only orthodox, but Calvinistic till about 1740, have been already given in pages 34 to 36.

So much is said as to Mr Baxter's departure from Calvinism that it is necessary to state his opinions in this respect in his words.

"I have perused oft the confession of the Assembly, and verily judge it the most excellent for fitness and exactness that I have ever read from any church. And though the truths therein, being of several degrees of evidence and necessity I do not hold them with equal clearness, confidence, or certainty, and though some few points in it are beyond my reach, yet I have observed nothing in it contrary to my judgment, if I may be allowed these expositions following." The first of these relates to passages which speak against universal redemption. This (he says) "I understand not of all redemption and particularly not of the mere bearing the punishment of man's sins and satisfying God's justice; but of that special redemption proper to the elect, which was accompanied with an intention of actual application of the saving benefit in time." On the article, "The Catholic Church, which is invisible, consists of the whole number of the elect that have been, are, or shall be," he says, "I understand it not of the church as now existent, but as it shall be on its perfection at the end of the world, when all the elect shall be called. I understand these words 'which is invisible' as distinguishing the church as invisible from the church as visible. For I conceive that Christ hath an universal visible church, called one by the unity of their profession." And now (he continues) I leave to Mr Crawdon and others to consider, whether a Jesuit, a papist, a socinian, or arminian will consent to this copious confession of the Assembly, with these expositions or limitations as I

have here done? or whether they will make all the Assembly to be papists, socinians, or arminians. I truly profess I take the labours of the Assembly, especially these three pieces now mentioned, for the next book, next my Bible, in my study."

He mentions a few "limiting expositions" with which he says, "I do profess my consent to the canons or decrees of the synod of Dort. And how far any of these are from favouring arminianism, they that will see need not be ignorant. Yea in the very articles of perseverance, which some were pleased to quarrel with me about, I subscribe to the Synod. Yea in the article of redemption wherein I was most suspected and accused (and was fain to use a limiting exposition in my assent to our Assembly's Confession of faith), I do subscribe to the synod of Dort without any exceptions, limitations, or exposition of any word as doubtful and obscure." Richard Baxter's Confession of his Faith, 1655, of which, in his Apology for the Nonconformists' ministry, 1681, he says, "I have told you my religion oft enough, especially in . . . and in my confession."

After the representation in p. 136 it is necessary to state that Baxterianism is moderate Calvinism, (p. 33,) and there is no difference between it and the highest Calvinism as to Original Sin, nor really as to Christ's atonement for Original or Actual Sin; the high Calvinist would say Christ atoned for the sins of the saved, the Baxterian would say that he atoned for the sins of the world, but efficaciously only for the saved, both would say that the lost are lost by their own fault.

TESTIMONIES AS TO THE ENLARGED SPIRIT OF THE EARLY PRESBYTERIANS, (1689-1709). To begin with Baxter. If there was any one person who above all others by the influence of his personal character and by his admirable practical writings contributed to mould and form the character of the denomination to which he belonged, it was Richard Baxter, a name too prominent in the religious history of the period in which he lived not to be immediately recognized . . . The general outline of his character as opposed to the enthusiasts and zealots of the day is thus drawn by a churchman: 'He is to be honoured for his frequent asserting the reasonableness of religion against the madness of spreading enthusiasm: for his earnest endeavours for the promotion of peace and universal charity when it was held to be a great crime not to be fierce in the way of a sect.' Dr. Glanvill, *Philosophia Pia*, 1671, p. 110. Perhaps the most important of all his writings, as developing his real temper and spirit, is that full and complete piece of self-examin-

ation which is printed in the *Reliquæ Baxterianæ*, a work containing his memoirs of his own life and times, published in a folio volume in 1696, by his friend Mr Matthew Sylvester. In this he shews what changes his opinions had undergone since he first became one of the lights and guides of the people.

‘My judgment is much more for frequent and serious meditation on the heavenly blessedness than it was heretofore in my younger days. I then thought that a sermon on the attributes of God and the joys of heaven were not the most excellent . . . . and nothing pleased me so well as the doctrine of regeneration and the marks of sincerity, . . . . but now I had rather read, hear, and meditate on God and heaven than on any other subject, for I perceive that it is the object that altereth and elevateth the mind, which will be such as that is which it most frequently feedeth on.’ ‘At first I was greatly inclined to go with the highest in controversies, on one side or other, as with Dr. Twiss and Mr Rutherford, and Spanhemius de Providentia et Gratia. But now I can so easily see what to say against both extremes, that I am much more inclinable to reconciling principles, and whereas then I thought that conciliators were but ignorant men, that were willing to please all and would pretend to reconcile the world by principles which they did not understand themselves; I have since perceived that if the amiableness of peace and concord had no hand in the business, yet greater light and stronger judgment usually is with the reconciler than with either of the contending parties.’ pp. 129, 130.

‘I am not too narrow in my principles of church communion, as once I was. I more plainly perceive the difference between the church as congregate or visible, and as regenerate or mystical, and between sincerity and profession; and that a credible profession is proof sufficient of a man’s title to church admission, and that the profession is credible in foro ecclesiæ, which is not disproved. I am not for narrowing the church more than Christ Himself alloweth us, nor for robbing Him of any of His flock.’ p. 130.

‘I am not so much inclined to pass a peremptory sentence of damnation upon all that never heard of Christ, having some more reason than I knew of before to think that God’s dealing with such is much unknown to us, and that the ungodly here, among us Christians, are in a far worse case than they.’ p. 131.

‘I have spent much of my studies about the terms of Christian concord. . . . . And these three things alone would easily heal and unite all the churches. 1st. That all Christian princes and governors take all the coercive power about religion into their own hands\*’

\*The extracts from Baxter are in this and the following pages completed by additions within [ ] The correction was made by Mr Joshua Wilson.



[though if prelates and their courts must be used as their officers in exercising that coercive power so be it,] and that they make a difference between the approved and tolerated churches, [and that they keep the peace between these churches and settle their several privileges by a law].

. . . . . 2nd. That the churches be accounted tolerable who profess all that is in the Creed, Lord's Prayer, and Decalogue in particular, and generally all that they shall find to be revealed in the word of God, and hold communion in teaching, prayer, praises, and the two sacraments; not obstinately preaching any heresy contrary to the particular articles which they profess, or seditiously disturbing the public peace. And that such heretical preaching and such seditious unpeaceableness, or notorious wickedness of life, do forfeit their toleration. 3rd. And that those that are further orthodox in those particulars which rulers think fit to impose upon their subjects, have their public maintenance and greater encouragement. [Yea, and this much is become necessary, but upon supposition that men will still be so self-conceited and uncharitable, as not to forbear their unnecessary impositions; otherwise there would be found but very few who are tolerable that are not also in their measure to be approved, maintained, and encouraged. And if the primitive simplicity in doctrine, government, and worship, might serve turn for the terms of the church's union and communion, all would be well, without any more ado: supposing that where Christian magistrates are they keep the peace and repress the offenders, and exercise all the coercive government. And heretics who will subscribe to the Christian faith must not be punished, because they will subscribe to no more, but because they are proved to preach or promote heresy, contrary to the faith which they profess.]

'I do not lay any great stress upon the external modes and forms of worship as many young professors do. . . . . I find that judgment and charity are the cause of it as far as I am able to discover. If I were among the Greeks, the Lutherans, the Independents, yea the Anabaptists [that own no heresy nor set themselves against charity and peace], I would hold sometimes occasional communion with them as Christians, . . . . though my most usual communion should be with that society which I thought most agreeable to the word of God if I were free to choose.'

'I am more and more sensible that most controversies have more need of right stating than of debating; and if my skill be increased in anything it is in that; in narrowing controversies by explication, and separating the real from the verbal, and proving to many contenders that they differ less than they think they do.' pp. 130, 134.

The whole of this document, which was written about 1670, is well deserving the reader's attention as showing the working of the Presby-

terian mind, from the time when it was relieved from the restraints of an Establishment, to the time when it appeared in the possession of liberty under the Act of Toleration. For Baxter is not to be regarded only as an individual, but as one who from his closet or his pulpit greatly influenced, if he may not rather be said to have entirely guided, the minds of that body of which he was regarded as a distinguished ornament. From the passages cited we may collect that even in the reign of Charles II. he had begun to regard with some disdain the controversies which divided Christians, and to look with most esteem on those who would unite men's hearts and minds in the bond of Christian unity and peace, that he would open wide as was possible the doors of church communion and fellowship, that he would even admit Arians and Socinians who do profess all that is in the Apostles' Creed, the Lord's Prayer, and the Ten Commandments; all persons, in short, who received the scriptures as containing a divine revelation. He even expressly renounces the doctrine that those who never heard of Christ are without the pale of salvation. Earlier indeed he had taken the ground that the fundamentals of Christian faith are to be found in the Creed, the Lord's Prayer, and the Ten Commandments, in direct contradiction and opposition to those who have increased their number. The occasion was a solemn one, and the testimony which he bore to this liberal interpretation of Christianity complete. It was in the debates in Parliament concerning the clause respecting religious liberty in the instrument by which Cromwell was made Protector. Baxter was consulted by the committee. Dr. Calamy, *Abridgment of the Life of Baxter*, 1713, p. 121, relates what passed thus: 'He proposed offering to the Parliament the Creed, Lord's Prayer, and Ten Commandments as the essentials or fundamentals of Christianity containing all that is necessary to salvation. When they objected that this might be subscribed by a Papist or Socinian, his answer was that it was so much the better and the fitter to be the matter of concord; but if they were afraid of communion with Papists and Socinians it should not be avoided by making a new rule or test of faith which they will not subscribe to, or by forcing others to subscribe to more than they can do, but by calling them to account whenever in preaching or writing they contradicted or abused the creed to which they have subscribed. [This is the work of government, and we must not think to make laws serve instead of judgment and execution, nor must we make new laws as oft as heretics will misinterpret and subvert the old.] They resolved, however, to hold on in the way they had begun, and so all that he had left to do was to use his endeavours to prevent their multiplying fundamentals needlessly.'

Now there has certainly been no period in the history of the Presbyterian foundations in which the Lord's Prayer and the Ten Com-

mandments were not in constant use publicly and privately, and probably none in which the particular articles of belief expressed in the Apostles' Creed did not form articles of the creed both of trustees and beneficiaries, though the use of creeds in general as creeds, has been always greatly discountenanced by them.

Baxter's principles were also what may be denominated liberal or even latitudinarian respecting the use and interpretation of Scripture as a rule of faith. The following passage is extracted from his Paraphrase on the New Testament, 1685 :

'IV. It is of great importance that we err not by giving too little or too much to the sacred Scriptures, from both which extremes many dangerous errors flow. 1. On the left hand those err that deny it to be God's word, of infallible truth intelligible and perfect as to its proper use, without human supplements written or oral, doctrinal or canon laws ; and those that deny it to have infallible ascertaining evidences of its truth. These befriend infidelity, heresies, prophaneness, church tyranny, leaving it to clergymen to make us a new faith, new sacraments, and a new religion at their pleasure ; and to persecute good men that dare not renounce the Scripture's sufficiency and Christ's perfection, by obeying their dictates and canons as co-ordinate with Christ's, if not co-equal. These make church concord utterly impossible, while they deny the sufficiency not only of the essentials but of all the Bible, to be the terms of concord, without their supplements or additions ; as if Christ, that is the author and finisher of our faith, and the maker of his own church, had not so much as told us what a church or a Christian is, or whom we must take for such into our love and communion, nor fixed the necessary terms of union, but left them to none knoweth whom, even fallible men liable to error and tyranny, that can but get uppermost and say then that they are the true church, and the masters that must be obeyed, while they are themselves of as many minds as they are of different countries, interests, and degrees of knowledge and sincerity.'

'On the other side those overdo in ascribing to the Scripture, who say that God had no church, or the church had no infallible rule of faith and life before the writing of it ; and who say that men converted by the creed, catechisms, preaching, or tradition, without knowing the Scripture, can have no saving faith, and that think none can be saved that doubt of any canonical books, text or matter, whether it be God's word ; or that say Scripture is so perfect that there is no human imperfection of the penmen found in phrase, word, or method, and that God could not have made it better ; or that every book may be known to be canonical, and every reading to be right, when copies vary, without historical tradition, by its own evident light ; and that we have no more

cause to doubt of any word or matter than of the truth of the gospel ; and that reason is of small use either for the proof or exposition of the Scriptures, but the most illiterate, if he found a Bible that he had never heard of, may by its own light know its truth and sense as well as studious learned men, and that no other books need to be read ; and that the Scripture is a sufficient teacher of physaic, logic, and grammar, &c., and that nothing is to be used or done in the external forms, modes, and accidents of God's worship, but what is particularly commanded in Scripture ; and that it telleth every man whether he be sincere and justified, or not ; and not only telleth him how to know it by inward evidence, with many other such mistakes, proceeding from mistaking the use of the Scripture, by which its perfection must be measured, which all tend to confusion, and at last to infidelity, or doubting of the whole when these errors are discerned.'

This shows the freedom at that period of the Presbyterian mind twenty years before the date of these foundations.\* There is subjoined another extract which shows how much this good man longed for the spirit of unity and peace among Christians. 'I never heard that Arminius was called an Arminian, nor Luther a Lutheran, nor Bishop Laud a Laudian ; but if you be upon the knack of making names you best know your ends, and best know how to fit them to it. But seriously, do you not know my judgment ? Will not about eighty books inform you ? How, then, can I help it ? No, but you know not what party I am of, nor what to call me ; I am sorrier for you in this than for myself : if you know not I will tell you ; I am a Christian, a mere Christian, of no other religion ; and the church I am of is the Christian church, and hath been visible wherever the Christian religion and church hath been visible ; but you must know what sect or party I am of ? I am against all sects and dividing parties ; but if any will call mere Christians by the name of a party, because they take up with mere Christianity, creed, and Scripture, and will not be of any dividing or contentious sect, I am of that party which is so against parties. If the name Christian be not enough, call me a Catholic Christian ; not as that word signifieth an hereticating majority of bishops, but as it signifieth one that hath no religion but that which by Christ and the Apostles was left to the Catholic church, or the body of Jesus Christ on earth.' Preface to Church History of the Government of Bishops and their Councils abbreviated, 1681. [In the addendum to this Preface it is said, p. 48, 'He that denieth the Deity of Christ denieth His essence, and he that denieth His essence denieth Christ, and is no Christian.']

Baxter had at one period of his life the opportunity of frequent intercourse with Sir Matthew Hale, the Chief Justice of the King's

\* See also the extract page 4.

Bench, one of the most learned and most religious men of his age. After the death of the Chief Justice, Baxter published a tract entitled 'The Judgment of the late Chief Justice Sir Matthew Hale, on the Nature of True Religion, 1684.' In this we have the following passage coincident in spirit and feeling with much that we find from Baxter's own pen.

'He that fears the Lord of heaven and earth, walks humbly before Him, thankfully lays hold of the message of redemption by Christ Jesus, strives to express his thankfulness by the sincerity of his obedience, is sorry with all his soul when he comes short of his duty, walks watchfully in the denial of himself and holds no confederacy with any lust or known sin ; if he falls in the least measure is restless till he hath made his peace by true repentance ; is true to his promise, just in his actions, charitable to the poor, sincere in his devotions ; that will not deliberately dishonour God though with the greatest security of impunity, that hath his hope in heaven and his conversation in heaven, that dare not do an unjust act though never so much to his advantage, and all this because he sees him that is invisible, and fears him because he loves him, fears him as well for his goodness as his greatness ; such a man, whether he be an Episcopal, or a Presbyterian, or an Independent, or an Anabaptist, he hath the life of religion in him, and that life acts in him and will conform his soul to the image of his Saviour, and walk along with him to eternity.'

[The following is the passage referred to in p. 81.]

'Two things have set the church on fire, and have been the plagues of it for above a thousand years. First enlarging our creed, and making more fundamentals than God ever made. Second composing, (and so imposing), our creeds and confessions in our own words and phrases. When men have learnt more manners and humility than to accuse God's language as too general and obscure, (as if they could mend it), and have more dread of God and compassion on themselves than to make those fundamentals or certainties which God never made so ; and when they reduce their confessions first to their due extent, and second to Scripture phrase (that dissenters may not scruple subscribing) then I think, and never till then, shall the church have peace about doctrinals. It seems to me no heinous Socinian notion which Chillingworth is blamed for, namely, let all men believe the Scripture, and that only, and endeavour to believe it in the true sense, (and promise this) and require no more of others, and they shall find this not only a better, but the only means to suppress heresy and restore unity, &c.' Saint's Rest Preface to part II.

[The following quotation from Baxter is made in the Proofs in illustration of the Presbyterian opposition to creeds, *supra* 72, with others which do not carry the reasoning further, except one, which will be noticed afterwards.]

'Canons of this kind they durst not swear subjection to because they thought them very uncharitable. If a weak mistaken Christian may be a true Christian, though faulty, they could not see why a mistaken congregation of pious persons might not be a true church, though faulty. . . . The silenced ministers thought it very fit to leave those to themselves, who were so confined in their charity, as thinking it their duty to embrace all those as brethren who feared God and wrought righteousness; and to esteem all those as true parts of the church of Christ, among whom there is the true christian faith and worship, how different soever their particular sentiments or modes might be, or what failures soever there might be amongst them, that were consistent with an honest upright heart and life.' Calamy's Abridgment of the Life of Baxter, vol. 1, p. 236 to 245.

[The quotations from Baxter at pp. 68 and 132 should also be read in connection with the present subject.]

As to the reference to the creed, it is to be ascertained what meaning Baxter ascribed to that formula. "The creed is but the exposition of the three articles of the baptismal covenant, 'I believe in God the Father, Son, and Holy Ghost.' . . . The Nicene Creed is called by some ancients the Apostles' Creed too, and both were so, for both are the same in sense and substance." Treatise of Love and Knowledge; Practical Works, vol. iv., p. 507.

In his Catechizing of Families, 1683, these expressions occur.

"It [the Apostles' Creed] is the very sum and kernel of the New Testament, and there you may find it all, with much more; but it is older than the writing of the New Testament save that two or three words are added since. I told you before that Christ himself did make the nature and terms of Christianity, commissioning his apostles to make all nations his disciples, baptizing them into the name of the Father, the Son, and the Holy Ghost. This is the sum of the creed first made by Christ himself." Practical Works, vol. iv., p. 73.

"The doctrine of the Trinity in Unity is the very sum of all the Christian religion as the baptismal covenant assureth us." p. 75.

"The Scriptures fully prove Christ to be God, and one God with the Father. The form of baptism proveth it." p. 79.

"The baptismal covenant expounded in the ancient creed is the sum and symbol of Christianity. All the baptismal articles and covenant must be understood competently by all who will be saved." Address prefixed to Catholic Theology, 1675.

"It is not that covenant when any essential part is omitted. To believe in the Father, and not the Son, or not in the Holy Ghost, is not that covenant." *Defence of Nonconformists' Plea for Peace*, 1680, p. 148.

"What knowledge is necessary in the adult unto their lawful baptism? So much as is necessary to an understanding consent to the baptismal covenant, or to an hearty giving up themselves to God the Father, Son, and Holy Ghost. . . . He that knoweth that Jesus Christ is God and man, the redeemer of the sinful world, and the mediator between God and man; who was conceived by the Holy Ghost in the Virgin Mary, fulfilled all righteousness, was crucified as a sacrifice for man's sin, &c. . . I think knoweth as much of Christ as is necessary to baptism and church communion." *Love and Knowledge compared*, 1689. P. W. Vol. iv., pp. 550, 551.

Accordingly Mr Baxter's proposal to the parliamentary committees suggested that Socinians, having subscribed the Creed, might be called to account whenever they contradicted or abused the truth to which they so subscribed.

[The 5th supplement is on the Apostles' Creed, and the following abridgement of it should be read here to shew the unfair use made of Baxter's name in the Proofs.]

The circumstance of Lady Hewley's reference to this Creed having been alleged, on the hearing below, as an evidence of her orthodoxy, some observations directed to that point will be subjoined.

The fate of this Creed in the history of the controversies of the end of the seventeenth and beginning of the eighteenth century as to heretical tendencies, and as to the fundamentals of Christian faith, will be rather singular, if it should now come to be cited as evidence of orthodoxy; the fact being that during the seventeenth century and in the beginning of the eighteenth, the latitudinarians and the opposers of creeds and doctrinal subscription (including Chillingworth, Jeremy Taylor, Baxter, &c.) were continually referring to it, and wishing at any rate to limit subscriptions to it, while the orthodox continually objected to it as containing none of the fundamentals, or essentials, (the peculiar doctrines as they are called) of Christianity. Baxter, it has been seen, proposed it as the test, which was objected to specifically because it would admit Socinians.

It may be sufficient, however, to cite the case of Mr Locke; against whom the hottest attack (made on account of his Reasonableness of Christianity) turned on this very point; and we shall only quote the words of his orthodox opponent (Edwards) as quite sufficient to dispose

of the new theory in favour of this creed being likely to be intended or understood in those days as a test of orthodoxy. If it is really of that character, Mr Locke was most unnecessarily harassed and maligned by his opponent ; who on the ground of his preference for the very same Creed which is now used as an argument for Lady Hewley's orthodoxy, held him to be a Socinian, or in fact a good deal worse.

The proposition of Dr. Edwards was, that a belief in the Apostles' Creed, which Locke, (like Jeremy Taylor after Tertullian and Clarendon), had held to contain the essence of Christianity, was in fact no belief at all. 'That if a man believe no more than is in express terms in the Apostles' Creed, his faith will not be the faith of a Christian.' *Vindication of the Reasonableness of Christianity*. Edition, 1824. p. 277.

It deserves consideration whether on this notorious state of the argument, as it stood in the most popular religious controversy of the day (that of Mr Locke) the adoption of this creed by Lady Hewley may not with more fairness and probability be used as proof of her heterodoxy, and of her conformity to Mr Locke's school. Lord Barrington, the Presbyterian leader, is expressly stated to be Locke's disciple.

The Apostle's Creed, so far from being a test of what is called orthodoxy, has in fact been frequently adopted by Anti-Trinitarians and Arians in their catechisms and expositions of doctrine as containing a convenient summary of their faith, and has even been appealed to by them as an ancient symbol and evidence, peculiarly favourable to their opinions. In proof of this assertion may first be cited the following passages from some of the older Unitarian tracts.

Some thoughts upon Dr. Sherlock's *Vindication of the doctrine of the Holy Trinity*. 2nd ed., 1691, pp. 18, 20.

Grounds and Occasions of the Controversy concerning the Unity of God contained in a volume entitled '*Agreement of Unitarians with the Catholic Church*,' 1698. p. 13.

*Brief History of the Unitarians*. 2nd ed., 1691, p. 49.

[It is then stated that the creed occurs in Mr Peirce's Catechism appended to his sermons published in 1728, and in the Rev. Theophilus Lindsey's edition of the Liturgy for the use of the Essex Street Congregation. 3rd ed. 1785, p. 12].

In the subsequent edition it was omitted, not however on account of the slightest objection being made to the doctrinal articles, but 'Because not being written by the apostles, it was deemed to be wanting in proper authority ; because it seemed unwarrantable to require of persons a declaration of their faith in assemblies for Christian worship, and because the imposition of creeds has at all times been the source of great mischief and dissensions.' Advertisement to the fourth edition.

[It is added that the creed is also introduced in the baptismal service



for adults and litany, in the edition of the Liturgy published at Salisbury, 1777, a new *Sarum* use.]

In the quotations reprinted in pp. 143, 4, Baxter is not speaking of terms of communion, but of toleration by the civil magistrate. His method for church-dealings with Socinians may be learnt from the following extract from Mr Joshua Wilson's *Historical Enquiry*, p. 35: "In 1668 some conference and correspondence took place between Dr. Owen and Mr Baxter on a concord between the Independents and Presbyterians, in which some discussion arose as to the means of keeping out the Socinians, 'who,' says Dr. Owen, 'are numerous and ready to include [intrude] themselves upon our communion.' He adds, 'the Creed as expounded in the first four councils will do it.' Mr Baxter in reply states his reasons for not making a larger profession necessary than the Creed and Scriptures. One of them is, that 'judging heretics by the law of God is a fitter remedy against heresy than making a new rule for that purpose. Either (he adds) they are heretics only in heart, or in tongue also and expression: if in heart only we have nothing to do to judge them. Heart infidels are and will be in the churches. If they be proved to be heretics in tongue, then it is either before they are taken into the communion of the church or after. If before, you are to use them as in case of proved wickedness: that is, call them to public repentance before they are admitted: if it be after, they must be admonished, and rejected after the first and second contemned admonition. And is not this enough? And is not this the certain regular way? Is it not confusion to put law for judgment, and say there wants a new law or rule, when there wants but a due judgment by the rule in being? If there be nothing against Socinianism in the Scripture it is no heresy; if there be (as sure there is enough, and plain enough) judge them by that rule and make not new ones." *Narrative of Life*, part III. pp. 63, 65.

Baxter's notions as to toleration were most imperfect. He held that those who were tolerated "are to be restrained from preaching against any great, sure, necessary doctrine or practice." *True and Only Way of Concord*, 1680. p. 274.

"Rulers may forbid men doing hurt on pretences of charity, e.g., physicians to give men pernicious drugs, or preachers or others to seduce men to idolatry, or blaspheme Christ or draw men to

"Mahometanism, Socinianism, &c." *The Judgment of Nonconformists of Things Indifferent commanded by authority*, 1676. p. 75.

In another place he says, "The errors which men should be restrained from preaching or propagating are innumerable, [among them he specifies]

"That the doctrine of the Trinity is contradictory or impossible to be true.

"That it is unnecessary to be believed or preached. . . .

"That Christ is but a creature or not eternal, or not of the same divine essence as is the Father. . . .

"That infants have no Original Sin, no guilt of Adam's sin, and no sinful pravity of nature.

"That therefore infants have no need of a Saviour to suffer for them, nor of a pardon. . . .

"That Christ was not a satisfying sacrifice for sin.

"That Christ's righteousness and sacrifice are not the true meritorious cause of our righteousness, pardon, justification, and salvation.

"That Christ sendeth not forth his Spirit to be his agent and witness to the end of the world in sanctifying his elect . . . .

"That faith and repentance are of nature, or by mere natural power and free will, and not the gift of grace through Christ.

"That God giveth grace equally to all till good improves make a difference." *The True and Only Way of Concord*, 1680. pp. 293-317.

So in another work he forbids keeping Socinians out of the church by subscriptions, trusting to their punishment by the civil power on their discovery, and to their then being excommunicated. "If any heretics (as Arians, Socinians, &c.) would creep into the ministry there shall not be new forms of subscription made to keep them out, (which it's like, with their vicious consciences would be ineffectual, and would open a gap to the old church tyrannies and divisions;) nor an uncertain evil be ineffectually resisted by a certain greater mischief. But while he keepeth his error to himself he is no heretic as to the church (non apparere being equal to non esse) and when he venteth his heresy he is responsible all the ways aforesaid, and may be by the magistrate punished for his crime, and by the churches be branded as none of their communion; viz., the regular way of reforming crimes by judgment and exaction, &c." *A Moral Prognostication, &c.*, pub-

lished to instruct the sons of love and peace in their duties and expectations, 1681.

Mr Brooks, another eminent ejected minister, bears striking evidence of an enlarged and liberal spirit at the earliest date, that of the ejection. Several other farewell sermons in the same spirit might be quoted.

'Legacy 10. Labour mightily for a healing spirit. This legacy I would leave with you as matter of great concernment. Labour mightily for a healing spirit : away with all discriminating names whatever, that may hinder the applying of balm to heal your wounds : labour for a healing spirit : discord and division become no Christian ; for wolves to worry the lambs is no wonder ; but for one lamb to worry another that is unnatural and monstrous. God hath made his wrath to smoke against us for the divisions and heartburnings that have been amongst us. Labour for a oneness in love and affection with everyone that is one with Christ ; let their forms be what they will ; that which wins most upon Christ's heart should win most upon ours ; and that is his own grace and holiness. The question should be, what of the Father, what of the Son, what of the Spirit shines in this or that person ? And accordingly let your love and affections run out. That is the tenth legacy.

'Legacy 12. Take no truths upon trust, but all upon trial. Acts xvii., 11. It was the glory of that church that they would not trust Paul himself. Paul, that had the advantage above all for external qualifications ; no, not Paul himself. Take no truths upon trust, bring them to the balance of the sanctuary ; if they will not hold water there, reject them.' Farewell Sermon, Aug. 17, 1662. Complete collection, ed. 1663. p. 361.

[This was Thomas Brooks, who was ejected from St. Mary Magdalene, Fish Street Hill, and was the author of a Treatise of Holiness and other works. Calamy says he was a congregationalist. I was assured by a friend (the Rev. G. S. Bull, now lying dead) that there is not one word savouring of latitudinarianism in the sermon.]

The same kindly and liberal spirit appeared in another dissenting divine of great influence down to 1705, namely, Mr John Howe ; whose works, entitled 'The Blessedness of the Righteous,' and 'The Living Temple,' long continued to be favourite books of practical divinity in the Presbyterian body. Howe was born in 1630, ejected by the Act of Uniformity in 1662, and died in 1705. Dr. Calamy, besides what he says in the account of the ministers ejected, wrote a biographical memoir of him. In this he informs us that Mr Howe was 'an utter enemy to all impositions. As he took the liberty of judging for himself so he freely allowed it to others. He was for the union and communion of all visible Christians, and for making nothing

necessary to Christian communion but what Christ has made necessary, or what is necessary indeed to one's being a Christian. He was of opinion that much service might be done to the common interests of religion by a frank mutual communication of doubtful thoughts, if such disquisitions were pursued with more candour and less confidence, and without regarding the interest of any party whatever. In a word he looked upon the Christian scheme not as a system of opinions or a set of forms so much as a divine discipline to purify the heart and reform the life : here he laid the main stress, as appears from all his writings, and with respect especially to disputable things and the mere appendages of religion as he often calls them, he was as much for a free inquiry into them as any man could be of that age.'

But we may take the evidence from the writings of Mr Howe himself. In the dedication of a sermon preached on the day of thanksgiving for the return of King William on the restoration of peace in 1697, he thus expresses himself :

'To sum up all, then shall we be in happy circumstances when we shall have learnt to distinguish between the essentials of Christianity and accidental appendages, and between accidents of Christ's appointing and of our devising, and to dread affixing of our own devices to so sacred an institution ; much more when every truth or duty contained in the Bible cannot be counted essential or necessary ; when we shall have learned not only not to add inventions of our own to that sacred frame, but much more not to presume to insert them into the order of essentials or necessities, and treat men as no Christians for wanting them ; when the gospel shall have its liberty to the utmost ends of the earth ; when the regenerating spirit shall go forth with it and propagate a divine and godlike nature everywhere among men ; when regeneration shall be understood to signify the communicating such a nature and such dispositions to men ; when the weight of such words comes to be apprehended, 'He that hateth his brother abideth in death ;' when to be 'born of God' ceaseth to signify with us, being proselyted to this or that church formed and distinguished by human device ; when religious pretences cease to serve political purposes ; when the interest of a party ceases to weigh more with us than the whole Christian interest ; when sincerity shall be thought the noblest embellishment of a Christian ; 'when the wolf also shall dwell with the lamb,' &c. then will 'our peace be as a river, &c.,' p. 23.

[Among the 'earlier testimonies' to Presbyterian opposition to creeds, &c., referred to at p. 71, *supra*, is a sentence from 'Bishop Davenant, quoted by Howe.' With the context added within [ ] it is as follows.]

[I believe it could not but give some trouble to a conscientious con-

forming minister, if a sober pious person, sound in the faith and of a regular life, should tell him he is willing to use his ministry in some of the ordinances of Christ, if only he would abate or dispense with some annexed ceremony which in conscience he dare not use or admit of. I believe it would trouble such a minister to deal with a person of this character as a pagan because of his scruple, and put him upon considering whether he ought not rather to dispense with man's rule than with God's. I know what the same Bishop Davenant hath expressly said,] 'He that believes the things contained in the Apostles' Creed and endeavours to live a life agreeable to the precepts of Christ, ought not to be expunged from the roll of Christians, nor be driven from communion with the members of any church whatever.' *Howe's Works*, edition 1862, p. 270.

Mr Howe's argument shews that he attached as much meaning to the creed as Mr Baxter did, and had it been otherwise he would not have referred to Bishop Davenant as a latitudinarian.

It is of importance when perusing such passages as this to recollect what were accounted by such men as Baxter 'fundamentals,' namely, what was 'contained in the Lord's Prayer, the Apostles' Creed, and the Ten Commandments,' and how far this position of itself at once removes them from the earlier Puritans and from the Independents of their and the present date, who insist specifically on subscription to the doctrine of the Trinity, and adhere, in fact, closely to the views of Scripture doctrine defined in the Longer and Shorter Catechisms of the Assembly of Divines who met at Westminster in 1644. Other doctrines not to be found in those three sources were no doubt, and it is admitted that they were, held by both Baxter and Howe, but the point is, that they were held not as the essentials and fundamentals of Christianity if Baxter's explication of these fundamentals is to be held sincere. Neither is this to be taken as but the opinion of some two or three persons of peculiar turn of mind in a large community. Baxter and Howe are, if any, the persons who governed the opinion of the community to which they belonged, and who, if any, are to be received as representatives of that creedless and non-articled community. Further we find the whole body some few years after almost unanimous in the profession of them.

Mr Howe published two sermons, which he entitled *The Carnality of Religious Contention*, with reference to the disputes originating in Dr. Crisp's posthumous Works. In the second head of the first of these sermons he enlarges on the incomparably great things in which both parties were agreed as what "all sincere Christians really cannot but be agreed upon," and it will be seen how far he was from the indifference as to doctrine ascribed to him

in the Proofs. The passage will be quoted in a subsequent page. The importance which he attached to the doctrine of the Trinity may be learnt from the several pieces he printed upon it. Mr Howe is claimed by the Congregationalists as one of their body, for although his last congregation, in Silver Street, was Presbyterian, his first church at Great Torrington was congregational, and he seems to have been of that order when chaplain to the two Protectors. He attended the Savoy Conference, in 1658, as Protector's chaplain.

A testimony to the early tendency of the Presbyterian ministers to liberality may be drawn from the Rev. Martin Tomkins, the companion of Lardner in his studies, both being educated at the University of Utrecht, whence they returned to England in 1703. Shortly afterwards Mr Tomkins settled at Stoke Newington; his congregation and he differing on doctrinal subjects, in 1718, he published his 'Case,' in which he thus expresses himself. pp. 23, 24, Note.

'Withal some of the ejected ministers, as well as many of those who conformed, considering the goodness of God, were of so large and extensive a charity as to apprehend, that whosoever walked sincerely up to his light with a general repentance of his unseen errors, was in a state of acceptance with God, by virtue of the covenant made with fallen Adam, Noah, &c. Now such thought it unreasonable to be forced so much against candour as this amounted to, (until they saw more reason alleged than they could meet with on the behalf of the principle), that whosoever did not punctually believe the Athanasian Creed must undoubtedly perish.'

[This sentence is again quoted in the Proofs, p. 32, thus:] Dr. Calamy insists strenuously on this freedom from the authority of creeds or of other men, as the honourable distinction of the Protestant dissenters of England. In his abridgment of the Life of Baxter he had in the words of that divine, as stating the original grounds of nonconformity in 1662, opened the principles which the Presbyterians afterwards carried out to their legitimate extent. From the statement of these grounds we will make a few extracts.

'They must assent and consent to St. Athanasius his creed, in which creed there is this expression, 'which faith, except every one do keep whole and undefiled, without doubt he shall perish everlastingly.' This, to our fathers, seemed very harsh. . . . Withal some of the ejected ministers &c. . . . Noah,' &c. [There ending the quotation].

It is clear that the ministers of 1662 referred to the case of heathens, and Mr Tomkins must have had the same meaning; the light he refers to can only be the light of nature, for

his remarks cannot relate to the case of men possessed of the Bible, as it would otherwise set aside not only orthodoxy, but Christianity also. It has not been possible to refer to a copy of his case, but as he was justifying himself after his dismissal alluded to at pp. 43, 97, he no doubt introduced these sentences as a quotation and in reference to the Athanasian creed.

This passage, to whomsoever the sentiment is to be attributed, is so clearly alien to the subject that it will not be noticed again. It misled Mr Rolfe before Lord Lyndhurst, but he seems to have discovered its non-applicability before the hearing in the Lords, as he did not quote it then.

Mr Tomkins, after his dismissal from Stoke Newington, regularly attended the ministry of Mr Barker, an uncompromising Trinitarian.

We find the same comprehensive and liberal spirit in the ministers of the next generation [this paragraph should have preceded the quotation from Mr Tomkins], those who were the immediate successors of the ejected ministry, and who entered on their ministry long before the date of the foundation in question. Thus we shall find that Dr. Calamy himself, who was ordained to the ministry in 1694, who was through life a very eminent and influential person in the class of Dissenters to which he belonged, and who was a personal friend of Lady Hewley, though there is no reason to doubt that he held sentiments which are commonly called orthodox, yet held them in subserviency and subordination to the great principles of charity and freedom of inquiry, as is evident from the manner in which he has spoken of his fathers in the ministry, Howe and Baxter, in the passages already cited, as well as by his other writings.

[The passages from Calamy in reference to Baxter's opinions, pp. 156, 148, is in the Proofs continued thus.]

Calamy then follows this up in the dedication to his third volume, by his view of the leading principles of nonconformity.

'The main principles of nonconformity were the same at that time that they were before ; and the same afterwards, and from that day to this that they were then ; and they are these : That all true church power must be founded on a divine commission ; that where a right to command is not clear, evidence that obedience is a duty is wanting ; that more ought not to be made necessary to an entrance into the church than is necessary to the getting safe to heaven ; that as long as unscriptural impositions are continued, a further reformation in the church will be needful in order to the more general and effectual reaching

the great ends of Christianity ; and that every man that must answer for himself hereafter must judge for himself at present. These were the chief principles of the old Puritans. They were the principles of our fathers, and they are also ours ; and I think them very capable of being well supported and so defended as to be in no danger of being overthrown, either by reason or argument, or scripture authority.' p. 15.

These original principles he asserts in the same book to have been carried to further liberality by the existing Nonconformists.

'It is well known that we have very generally imbibed, and that upon principle, and after close consideration, much larger notions of liberty than could obtain among many of our predecessors, which recommends us not a little to a number of gentlemen of thought, and sense, and influence, in the age wherein our lot is cast.' p. xi.

In a subsequent work he thus expresses himself :

'The first thing which I would here have considered is the utter unwarrantableness of narrowing the terms of Christian communion. Some are in strange confusion about this matter ; they either can't or won't distinguish between fixing circumstances, the fixing which is so necessary, that without they are some way or other fixed, divine worship can't be kept up, and the making terms of communion of such things as are not truly needful to the regular or orderly management of divine worship, nor can in the least promote the ends of worship, and which the great Lawgiver has given none a right or warrant to impose. But though men should unhappily confound these things in their thoughts and discourse, yet they are in reality widely different. The making new terms of Christian communion, or narrowing those terms which our Lord himself has fixed, is what the word of God very freely declares against. It is what the honour of Christ as King in his church, is very nearly concerned in ; and it is the evident unjustifiableness of this that I take to be a main principle of conscientious Nonconformity. This is the principle that the old Puritans and we entirely agree in, though they or many of them were disposed, it must be confessed, to further compliances with the national establishment, than many of us are now free to ; having more hopes of a further reformation by consent than we can now see grounds for, when things seem fixed for perpetuity ; and all the bars that may be laid in the way of any alterations and amendments, though they should be ever so needful. And this principle, that the terms of communion are not to be narrowed, is so truly scriptural, and so agreeable to the nature of Christianity, which was not intended to be a topical and national religion, like that of the Jews, but was designed for a religion that should obtain universally, that though it has long been contested, yet he that hath all along, first or last, appeared for his own truths in his church, when there has been a debate



about them will, in all probability, remarkably clear this before the contest comes to an end.' *Comfort and Counsel to Protestant Dissenters*, 1712. pp. 36, 37.\*

Another influential family in the Presbyterian body was that of the Oldfields, three brothers of whom, sons of a minister ejected in Derbyshire, were ministers in this denomination. One of them (Nathaniel) died a young man in 1696. Among the printed tracts of that period is a character of the Rev. Nathaniel Oldfield in an epistle from the Rev. Mr Shower, another eminent Presbyterian minister, to Mr Joshua Oldfield, in which the writer speaks thus :

'Next to his piety, or as a part of it, his peaceableness and charity in opposition to bitterness and dividing zeal and a narrow spirit, was very commendable and exemplary. He could unite with Christians in all things necessary, and was not for making more fundamentals and necessities than Christ hath made, or for other terms of Church communion than the terms of our common Christianity, and therefore was ready to receive all whom he believed Christ would receive. He was of one church with all those whom he hoped to meet in heaven. Endeavouring to hold the unity of the spirit in the bond of peace, because he acknowledged there is but one body, one spirit, one Lord Jesus Christ, one hope, one faith, one baptism, one God and Father of all, from whom, and by whom, and for whom, are all things. This charitable spirit (let who will call such moderation lukewarmness) with serious diligence to please God, and do what service we can in our several places, will be accepted with God, and yield us comfort living and dying, and will I doubt not

\* It is clear from the account which Dr. Calamy has left of the disputes of 1719, that he professed himself as a Trinitarian like his father and grandfather, and was so esteemed by his brother ministers, subscribers or non-subscribers, but as a passage from his work on the Trinity has been made the ground for such criticism in the *Proofs* as is to be found in p. 134, *supra*, the following passage must be quoted from the volume containing the words so injuriously remarked on.

"To be baptized into the name of any one, most properly is to be devoted to him, to be called after him, to be bound to adhere to and follow him, and to live according to his will . . . when we are baptized in the name of the Father, the Son, and the Holy Ghost, we are consecrated to them and bound to glorify and worship them and serve them religiously. This form of baptizing in the name of the Father, Son, and Holy Ghost, refers to the whole scheme of Christian doctrine, which centres in the discoveries that are made as concerning the sacred Three. The sum of Christian knowledge may be reduced to the doctrine of Father, Son, and Holy Ghost, which therefore, as far as it is revealed in Scripture, is supposed to be consented and submitted to, by such as yield to this institution. We are baptized in the name of each, that is, into the belief of the doctrine of each as it is delivered in the sacred Scriptures. And this is a doctrine by which the Christian religion is remarkably distinguished from all other religions either of Jews or heathens; and which summarily comprehends all that is necessary to be believed by us in order to salvation. In this doctrine, the peculiar glory of the Christian religion lies. . . . This way is the sense of this glorious doctrine to be revived and spread, one generation after another, and of this rather than any other, because this was the doctrine by which it was

be better thought of hereafter when the little names of distinction and matters of dispute that now divide Christians and Protestants shall be forgotten.'

[The quotation from Mr Shower's Sermon (1712) omitted in p. 72, as far as is material, runs thus.]

'He (Dr. Grew) was a true lover of pure and disinterested religion, and grieved that the divisions and disputes among good men about less important matters should be carried so high, and managed with such unbecoming warmth and fierceness; or that any should be persecuted for their different sentiments, who desired to live peaceably with their neighbours.'

'He valued the substantial of pure Christianity, wherein all agree, without laying a mighty stress on lesser matters of human addition and imposition. And if ever God designs to give flourishing days on earth to the Christian church, one would think it must be by reviving a spirit of serious piety and practical religion, and whenever that comes to be most valued and to be distinguishing, nothing will be made a test and boundary to Christian communion but what is founded on plain reason or express revelation; nothing but what is necessary to make a man a good Christian, render him acceptable to God, and carry him safe to the heavenly Canaan.'

The Mr Oldfield, to whom the letter was addressed, was afterwards Dr. Joshua Oldfield, who in 1719 was the Moderator of the Assembly of ministers at Salters' Hall, who had to discuss and decide upon the question of requiring subscription to the doctrine of the Trinity from Dissenting ministers, and who decided against it. The writer, Mr Shower, was a

designed that Christians as such should be distinguished. It has been, therefore, upon the professing to believe this doctrine, that persons have all along been received as members of the Christian church; and that by the order of him by whom this church was founded. And it was his plain intention that his followers, by being baptized in the name of the Father, and the Holy Ghost, should be distinguished from Pagans and Infidels as well as by being baptized in the name of the Son, be distinguished from the Jews, who disowned the Messiah upon his appearance. . . . It seems as much as the love of the Father, the grace of the Son, and the communion of the Holy Ghost, is worth to them for persons so devoted ever to desert this doctrine, or pour contempt on the name of any of the sacred Three to whom they were jointly devoted. The Father, Son, and Holy Spirit are in the baptismal charge and commission represented as having an equal right to our faith, worship, and obedience. They that according to the Scripture hold Three Persons and one God, to whom they were devoted, and endeavour to give to each the love and honour, worship and obedience, that is respectively due, have solid comfort afforded them by that Christian covenant on which their hopes are bottomed." pp. 168, 169, 171, 173, 175, 356, 359.

This method of educating all Christianity from the baptismal covenant is exactly the same as Baxter's, and is in perfect accordance with the extract, the remark on which has occasioned the last long quotation. These sermons of Dr. Calamy were preached at the Tuesday morning lectures, in Salters' Hall chapel, which is represented by the Proofs as the rallying place of the liberal theologians.

minister not less influential. He was the brother of Sir Bartholomew Shower, an eminent lawyer ; so that we have in fact in these passages the conjoint opinions of three of the most influential ministers in the Presbyterian body, delivered by them in public in 1696, several years before the date of these foundations.

Mr Shower's views will be found illustrated hereafter in his Remarks on Toland's Memorial of the State of England, 1705. [Mr Shower died in 1715, and Dr. Oldfield in 1729.]

Mr Shower in the funeral sermon speaks of Mr Oldfield as having "zeal for truth," and enlarges on the necessity of "sound doctrine." In his sermon to ministers and people at Mr Bradbury's ordination in 1707, (his being chosen by Mr Bradbury to preach that sermon shews that gentleman's appreciation of him), he says : "Have not all English Protestants common enemies that would be glad to involve us in a general ruin, and shall we contribute to it by discords among ourselves, for want of a spirit of charity, unity and mutual forbearance? common enemies, I say, not the Romanists only but such as strike at all revealed religion, overthrow the authority of the Holy Scriptures, and deny the Divinity of our blessed Lord."

This passage is given because the phraseology of Mr Shower in the extracts in the Proofs might have been used by an Arian, while his printed sermons show his perfect orthodoxy. This instance very well illustrates the doubts which may be raised, though really ill-founded, upon extracts from Evangelical divines his contemporaries, owing to the cold and guarded manner of writing which they learnt from their sneering and unbelieving age. The Socinians are in consequence of this enabled to claim them, until a search into the matter is instituted with an expenditure of time and trouble which few men are at once able and willing to incur.

Dr. Joshua Oldfield shows his own spirit in bearing testimony to that of one of the first race of Nonconformists, the Rev. Robert Fleming, who died in London in 1716 ; and the following are extracts from Dr. Oldfield's funeral sermon on him : ' Let us submit to sufferings, striving against sin. They quit their places, the favour of the government, and all prospects of advancement under it, to keep a good conscience. Let us zealously plead and stand up as they did for Christ against the imposing of human devices or inventions relating whether to faith or worship. Had this been generally done, Popery could never have risen in the church.' p. 19.

‘He made his Bible the absolute governor of his religion, whilst some use it as a lacquey to theirs. He followed what he apprehended to be the meaning of it, after prayer with serious consideration and inquiries, and allowed that any man has a right to do so too. For want of this, how few real or intelligent Protestants are there to be found amongst the numbers of professed ones! He was a generous friend to all mankind, and therefore an enemy to all imposition as well as persecution, to Popery in the church, and tyranny in the state which would introduce and support it.’ p. 36.

‘If in some things he differed from others, it may well be allowed him, who was always free in allowing others the liberty to differ from him, without any rough or injurious treatment.’ p. 37.

Dr. Oldfield had under him in 1698 the celebrated Dr. Lardner, who was subsequently an avowed Unitarian; so that the presumption is that he received no very exclusive instruction. [See *supra*, p. 86.]

Another minister may be cited, Francis Tallents (born 1619, died 1708), of whom Baxter says, ‘He was a good scholar, a godly blameless divine; most eminent for extraordinary prudence and moderation and peaceableness towards all.’

The circumstance mentioned of him is not of much importance taken by itself, but it affords an example of the tone which we find these exemplary men taking on all occasions.

‘In 1691 he entered into his new place of worship, built for that purpose, and preached his first sermon there on Isaiah lvii, 15. He caused it to be written on the walls of the meeting-place that it was built not for a faction or party, but for promoting repentance and faith, in communion with all that love our Lord Jesus Christ in sincerity.’ Calamy’s *Life of Baxter*, Vol. II., p. 551.

[Mr Tallents appears from Dr. Calamy’s account of him to have left the Establishment with great reluctance. His meeting-place was burnt down by a Church-and-King mob.]

This liberal and enlarged spirit of peace and charity is to be regarded not as the exception but the rule. Those who had been of a narrower and more exclusive spirit, or who placed points of faith in importance above love, and tolerance, and freedom of scripture inquiry, had in the recent separation to which we have alluded, gone with the other party. A more general testimony to the growth and prevalence of this spirit is to be found in the following passage of a letter of the Rev. Matthew Henry, son to an ejected minister, and who was at the time of writing it, 1709, minister to the congregation of dissenters at Hackney. This is the Matthew Henry whose exposition on the books of Holy Scripture was long a work highly valued in the denomination to which he belonged.

‘You cannot think how it rejoiceth my heart to hear from one so

well able to judge of that excellent spirit both of devotion and moderation which you observed in London, where I am very much a stranger. Blessed be God for such promising tokens of the continuance of his presence with us, and such earnest of further mercy he has in store for us. I have been very much pleased to observe the growth of the spirit of moderation and charity among the dissenters, as far as my acquaintance has reached.' Correspondence of Ralph Thoresby, Vol. II., p. 161.

Very little is said here as to Matthew Henry, but in other publications by Socinians during the controversy a moderation and liberality are imputed to him which in their phraseology conveys the notion of imperfect orthodoxy. At other times it is said that his Commentary shews that he was no Calvinist. Reasons for this attempt may be discovered in the possession by the Socinians of his chapel at Chester, and the frequent reference which has been made to that circumstance. It conveyed to the general mass of religious people a better, or at any rate a stronger, notion of the whole dispute than any other fact which could be mentioned. Every one of them knew something of Matthew Henry's Commentary, and the assertion, that the chapel built for him was in the possession of Socinians, carried to their minds a conviction of wrong and infamy in the desecration which no argument could produce. Beside Mr Mottershead of Nantwich, at whose house Mr Henry died, and who had been trained for the ministry by him, being a year resident in his house, was the minister who introduced Arianism into Newcome's chapel in Cross Street Manchester, and we have seen the inferences drawn from pupils in respect to their tutors.

As to Mr Henry's liberality with regard to attacks on the doctrine of the Trinity it is necessary to quote his remarks. "Mr Emlyn was with me to-day, September 1, 1705, and adheres to the Arian heresy. I had a deal of talk with him and endeavoured to shew him that even his own principles are nearer to the orthodox than the Socinian." "It was a pleasure to Socinus, that arch-heretic, that he had no master. We wish it had been his fate to have had no scholars." Williams's Life of Henry, pp. 180, 181.

Mr Henry's confession of faith at his ordination is given in Mr Williams's Life of him. In it he says of the doctrine of the Trinity, "This is a revealed mystery which I do believe but cannot comprehend." He embodied in it the twentieth answer of the Assembly's Catechism, for which see note.

In 1702 he published a Scripture Catechism in the manner of the Assembly's, in which he founds a question on every principal word of the old manual, and answers it from Scripture.\*

There is an amusing candour in the use of the past tense in expressing the admiration for Howe and Henry, of the "Presbyterian body" "to which [they] belonged."

In 1704 was published a very popular tract printed on one sheet for general circulation, entitled, 'The Layman's Reasons for his joining in stated communion with a congregation of moderate Dissenters,' which Calamy has preserved in his additions to his abridgment of Baxter, vol. 1., p. 673, stating 'that it well deserves to be preserved.' In this there is not a word about doctrinal purity or conditions of any sort; but on the other hand the writer expresses himself as follows:

'And through the grace of God I think I can truly say this is my character. I am heartily concerned about my soul, and my everlasting condition. It is my care and desire to please God, and to work out my salvation. All other interests and concerns are nothing to me in comparison with this. I seriously profess I am afraid of sin, and am solicitous to be found in the way of my duty, and to get all the help I can to forward me towards heaven, and fit me for it. Hereunto I can add

\* The following is an extract, omitting the Scripture, from the analysis of the twentieth answer: "God, having out of His mere good pleasure from all eternity elected some to eternal life, did enter into a covenant of grace to deliver them out of a state of sin and misery, and to bring them into a state of salvation by a redeemer.

Might not God justly have left all mankind to perish in their fallen state? Yes. . . .

Could man help himself out of his state of sin and misery? No. . . .

Did God contrive a way for man's recovery? Yes. . . .

Did God particularly design the salvation of a remnant of mankind? Yes.

Are there some whom God has chosen? Yes.

Is there a certain number of such? Yes.

Were they chosen from eternity? Yes.

Were they chosen for the sake of anything in themselves? No.

But of his mere good pleasure? Yes.

Were they chosen to salvation as the end? Yes.

And to sanctification as the means? Yes.

Was it for the glory of God? Yes.

Shall the election obtain? Yes.

Does our salvation begin there? Yes.

Are others passed by? Yes.

Does God know certainly whom he has chosen? Yes.

Do we know it? No.

Can we know our own election otherwise than by our being sanctified? No.

Were the elect given to Christ? Yes.

Did he undertake their salvation? Yes.

Was it promised him that he should effect it? Yes.

And was he himself assured of it? Yes.

And does it always prove so? Yes.

And shall any of them miscarry? No."

this further protestation that through the grace of God I have a catholic charity for all good Christians. I cannot monopolize the church ; it is narrow enough, I dare not make it narrower. I love a good man whatever party he belongs to, and him that follows Christ, though he doth not follow with me. He that fears God and works righteousness, is accepted of God and shall be accepted by me.

'My practice is this. I join myself sometimes with the assemblies of the public establishment, if an opportunity offers itself on a week day, or if I happen on a Lord's day to be out of the reach of such assemblies as I choose stately to join with, I freely and cheerfully attend the divine service of the church, knowing nothing in the prayers but what I can heartily say amen to, which I choose rather to do than answer aloud after the minister. And this I do that I may testify my catholic charity, and my communion with, and affection to all good Christians, though I be not in everything of their mind. Hereby likewise I endeavour to fulfil all righteousness, and in my place I bear my testimony to that which is of God in the public establishment wherein I do rejoice, yea, and will rejoice. But I constantly join in all the ordinances with a congregation of moderate and sober dissenters, with them I hold stated communion.'

This tract was included in the edition of Matthew Henry's *Miscellaneous Works*, printed in 1726, and has appeared in all subsequent editions of them. It is a defence of Nonconformity, and as such, relates only to the questions between the supporters of the Establishment and the Dissenters. It assumes that they all held the same faith, and therefore what is said has no bearing on difference of doctrine. There was, in fact, no assembly for heterodox worship in the three kingdoms in 1704.

Whenever we are able to obtain information of what was going on among the leaders of the denomination, we trace marks of the prevalence of the same liberal feeling. Whatever evidences the tone of exhortation and preaching of the Presbyterian ministry among themselves, when occasion called them together, is of course important to be noted on the present occasion ; with this view we refer to a funeral sermon published in 1702, as preached for the Rev. Mr John Fairfax, (minister at Barking and Ipswich), on the 23rd August, 1700, by Samuel Bury, minister of the Presbyterian congregation at Bury St. Edmond's, the leading town of Suffolk, where the dissenters were very numerous. Mr Bury was educated at Mr Doolittle's academy, Islington, and was there contemporary with the celebrated Matthew Henry, of whom he once said, 'he was to me a most desirable friend, and I love heaven better since he went there.'

Mr Fairfax, on whose funeral the neighbouring ministers were gathered together, was of the family of the Lord General Fairfax, a Fellow of Corpus Christi College, Cambridge, who had been ejected from Barking, in Suffolk, under the Act of Uniformity. Calamy, in his account of the Suffolk ministers, treats him as their chief and leader.

The principal Presbyterian minister of the district thus addresses his brother ministers so assembling on the funeral of their late leader.

‘To you my brethren in the ministry. . . . The only exhortation I would humbly offer upon this occasion is this: that since other burning and shining lights are removed, let us endeavour to be such ourselves for the future, that the interest of Christ may suffer the less by the death of others, and that this may come yet nearer, I hope it will be no offence that we may shine forth, more especially these four ways: 1. In the plainness of our ministry. 2. In the heavenliness of our lives. 3. In the catholicness of our tempers. Let us never impale religion within parties, or believe that none can be saved besides ourselves, or presently call for fire from heaven on those that will not receive us. Let religion itself in its own latitude be the common bond of all union, and whatever differences may be amongst us, in smaller matters, let us be lovers of all good men. It was Mr Jeremy Burroughs’s motto upon his study door that *Opinionum varietas et opinantium unitas non sunt contraria*. 4. In our devotedness to all good. In the preface Mr Bury, addressing himself to the same persons, exhorts them to be men of charity that [they] may not impropriate Christ or confine the grace of God within the circuit of their own opinions, but to shine forth in the catholicness of our tempers.’

It will be observed that (in this address by a principal minister to his brethren on their qualifications and duties) there is not even an allusion to doctrine except in the way of regarding it altogether as a matter of latitude and charity.

Mr Bury removed in 1718 to Lewin’s Mead Chapel, Bristol, then and now a leading Presbyterian congregation of the west of England. We shall find him continuing in the same liberal views throughout his life.

He seems to have been a believer in General Redemption in opposition to the Calvinists. In his Exhortation to Mr Samuel Savage at his ordination, 1714, p. 69, he says:

‘As to the point of Universal Redemption, it is observable that the catechism expressly asserts that we are bound to keep God’s commandments upon the account of his being our redeemer. But all are bound to keep God’s commandments; therefore he so far redeemed all as to lay upon them an obligation thereby which all unbelievers shall be judged for refusing and slighting; which could not be if the non-elect were no



way concerned in it.' He recommends 'unity and peace,' the reading of healing authors, and says, 'The many excellent Irenicums that learned men have wrote are of the best of our books.' p. 70.

Mr Bury left a tract entitled, *A Dying Pastor's Last Legacy to his Flock*, written a little before his death at Bristol, in 1730. It is printed in the *Protestant Dissenters' Magazine*, vol. i., p. 248. In it he says :

'I never was prostituted to any party, but have endeavoured to serve God as a Catholic Christian. I could not conform to the present establishment of the Church of England, because of difficulties which upon the most impartial study have appeared to me as insuperable. Nor could I ever be reconciled to the temper of unpeaceable Dissenters, who would censure or unchurch all men that were not of their way. I have loved a conformist as heartily as a nonconformist, where both have been for conscience sake ; and where the power of godliness hath equally appeared in both, they have equally shared in my sincere love and affection.'

Mr Bury's case is important as his late testimony to liberality of opinion is connected with evidence of its existence at the early period of 1702, first cited.

Mr Bury's case is referred to three times, so that it challenges careful examination. Mr Fairfax was, according to Dr Calamy, thoroughly evangelical, (as may be inferred from what is here said of him,) and so eminent a man that Mr Bury appears, from the account of the sermon in the Nonconformist's memorial, to have been allowed, though without episcopal ordination, to preach his funeral sermon in the church from which he had been ejected. That Mr Bury was chosen to preach such a man's funeral sermon is sufficient testimony to him. But so far from not alluding to doctrine except in the way of regarding it altogether as a matter of latitude and charity he, according to the condensed account just referred to, expressly said of Mr Fairfax, "He was an orthodox minister who adhered to all the doctrinal articles of the Church of England."

Mr Bury's expressions as to General Redemption are such as the Independents of the present day would use. The reference to the catechism, and the tone of the sentence in which it occurs, indicate, to those accustomed to such writing, that he himself was of the old opinions. The Irenicums up to 1714, had been devoted almost exclusively to the controversy between the Establishment and the Nonconformists. The last of the extracts shows the parties referred to in the first of them.

His last legacy to his flock is reprinted entire in Mr Murch's volume with the remark that it contains nothing that might not be written by a Unitarian minister of the present day. It is too long for insertion here, but no one accustomed to the style of evangelical divines will fail to recognise the writer of it as of their party. Allowance must always be made for the ministers of the first half of the last century, since it was the habit of the time to keep doctrine in the background. But though this was true of Bury's generation, especially towards the end of his life, it was not so of Fairfax's, with which we have to do.

Mr Bury's theology may be known from the fact that the funeral sermon for his wife, of whom he wrote a life, was preached by the Rev. William Tong, then of Salters' Hall, a Subscriber, who, Mr Walter Wilson says, though he ranked with the Presbyterian denomination yet associated very much with the Independents. Mr Tong was also Matthew Henry's biographer, who died in 1716, and although there is no other biography which gives so good an account of the Dissenters of his generation, yet it is never quoted in the Proofs.

Mr Bury's congregation is a very remarkable instance of the connexion between the Presbyterians and Independents. The first two ministers, Mr Weeks and Mr Joseph Kentish, are claimed alike by the Lewin's Mead Chapel and the Bridge Street Chapel. The license to Mr Weeks on the occasion of the Indulgence in Charles the Second's time, is however preserved in the vestry of the latter place. The explanation that suggests itself is that on the Presbyterians removing from Tucker Street to Lewin's Mead the Independents remained behind in the abandoned chapel. In 1710 the Rev. Strickland Gough became co-pastor of Independents at Tucker Street, after being minister of Presbyterians at Lewin's Mead, and there can be no question of his orthodoxy. From Mr Murch's account of the Lewin's Mead congregation it appears that they did not change their old hymn-book, (sup. p. 36), until the death of Mr Bury's successor, Mr Diaper. This is one of the congregations which has always been managed by a committee, and it is the most wealthy body of nonconformists in the West of England. This is shewn by the unexampled provision of coach-houses and stables among their congregational buildings, as they do not allow distance of residence to prevent their attendance at the worship of their choice.

Mr Benjamin Bennet, of Newcastle-upon-Tyne, carries us back to a sufficiently early period for every purpose, being chosen minister in 1699.

[The following quotations are from supplement number 1, where Mr Bennet's opinions are discussed in connexion with those of the other Northern ministers.]

'Either every man must judge for himself in matters of religion or not. If not, how come we to assume this liberty to appeal from those who would impose upon us, to Christ, the Lord of conscience. . . . This has hitherto been the rock on which the dissenters stand, their impregnable fort, which they never have been and never can be beat from unless they betray themselves and give it up. And if this be our right as Christians it is every Christian's right, and how inconsistent must it be for us who need it, and claim it for ourselves; to deny it to others.' Memorial of the Reformation chiefly in England. p. x.

It is presumed that this must place beyond all question the fact that [Mr Bennet] did hold sentiments of the most liberal kind in respect to the right of private judgment in matters of religion; and that he would have held in abhorrence the recent decisions of the Courts of Chancery which deprive the body to whom he belonged of this, their distinguishing principle, and which are in direct variance with what he and so many other of his brethren have repeatedly asserted to be the foundation on which they in their dissent, rested, and for which many of them embraced dissent. It will not do to say that these were the opinions of here and there a speculative man amongst them. It has been shewn on the best possible evidence that such a man as Dr. Calamy became a minister among the dissenters rather than in the church, in order that he might secure this freedom. The earnestness with which Dr. Samuel Wright,\* the Carter Lane minister, asserted it has been already shewn, and the testimony borne to it by other eminent London ministers. We have now the most eminent and influential minister in the four northern counties, which were to be a principal scene of Lady Hewley's benefactions, pleading earnestly for the principle, and not averse that the principle had led the most distinguished lay dissenter of the time a little astray from the orthodox sentiments of the generation that was gone by; this too as early as 1721, when so many ministers had in consequence of the exercise of this right re-

\* Dr. Wright's words are, "I think it is in the general an agreed point amongst the Protestants that no man has a right to impose his sense of the Bible upon another any more than to impose a new Bible and Scripture itself upon him. In effect the one is pretty much the same as the other. The grand point which the Dissenters are (1712) contending for is this, that nothing be insisted on as a term of communion but what our blessed Lord has required and laid down as such in the received canon of Scripture."

nounced the Trinity, and it must be presumed that Mr Bennet could not be so inattentive to the natural working of the principle as not to perceive that as it had led Peirce, Hallett, Sager, Billingsley, Stogden, Foster, Chandler, and many other ministers, to renounce the orthodoxy of their forefathers so it would go on producing the same effect, nor could any one say how far the deviation might go, short of the absolute renunciation of the Divine authority of the teachings of Christ and his apostles.

In the year 1722 Mr Bennet published a small volume entitled *Irenicum*, or a Review of some late Controversies about the Trinity, private judgment, church authority, &c., wherein the right of Christians to judge for themselves in matters of religion is vindicated, and objections to the contrary answered, some remarks concerning fundamentals are offered, and the certain and only terms of peace and union are laid down. p. 109.

He might have foreseen what has happened when he penned the conclusion of the following remarkable passage: 'Though a person be never so impartial, diligent, faithful in the study of his Bible, and never so capable of understanding it; though he believe every doctrine he finds there; though he make it his great care and business not only to live but recommend to others the religion of the Bible, yet if he cannot pronounce the church's shibboleth, i.e., if he do not harmonize with the prevailing party that call themselves orthodox, and the church, in every opinion of theirs, he must be a sacrifice in that way and manner which obtains when and where he lives; must help to furnish an act of the faith in one place, for the entertainment of the holy inquisitors; undergo also the torture of a bastinading more cruel than death; or where these methods of wholesome severity do not prevail must at least be rased out of all charitable lists.'

This is really in fact what has now been done. Yet the writer of these lines must be presumed to have known what was the intention of the lady whose beneficence was scattered among the ministers of his denomination everywhere around him, better than they can be known now. p. 110.

We obtain a view of what Mr Bennet considered as being worthy to be regarded the fundamentals of Christian doctrine as understood by the Presbyterian body in his day, in which we find not a trace of Calvinism; and his Trinity is of the most subdued and moderate character, such as answers not to any orthodox description of the doctrine and which could not answer to the test of the courts below.

'In short, Christians are, I think, agreed on such articles as these, which may be reckoned among the fundamentals. That God is, and is a rewarder of them that diligently seek him, that the Scripture is the

word of God, that Jesus of Nazareth is the promised Messiah, and is come in the flesh ; that there is but one God, and yet that there are three persons, Father, Son, and Holy Ghost, to whom the Scripture ascribes divinity ; that the soul is immortal ; that there is a future state of reward and punishments ; that the interest and happiness of the soul is to be preferred to that of the body, and the affairs and concerns of eternity to those of time (which is the grand principle and foundation of practical religion) ; that all our intercourse and our acceptance with God is through a mediator, who died for our sins and rose again for our justification, who ever lives to make intercession for us ; that God treats with sinners upon terms of faith and repentance ; that without holiness no man shall see the Lord ; that it is appointed for all men once to die and after that the judgment. I had almost added that we take Christ for our only master in religion, and depend on his favour alone for our encouragement therein.

‘7. Whatever difficulty there may be in stating fundamentals, fixing their precise number, or the certain criterion by which they may be infallibly distinguished and known, it may be concluded, I think, with great assurance, that no impartial sincere inquirer after truth ever did or ever shall err in fundamentals.’ How much of doctrine esteemed orthodox he virtually excludes appears from his reasoning on this proposition : but still more strikingly from his illustrations of the next proposition, which is thus fearlessly enunciated :

‘8. The not observing the distinction between errors fundamental and not fundamental, and pronouncing men heretics for their differing opinions and mistakes (supposed or real) in matters of little moment and consequence in religion, has been the main source of animosities and schisms, and the great occasion of oppression and tyranny in the church from age to age.’

And again,

‘9. Though, as has been granted, it is not easy to determine what are fundamentals and to define heresy, ’tis less difficult to determine what are not fundamentals ; and it may certainly be concluded from what has been said that many of these doctrines about which we have had the warmest and most uncharitable contests are not fundamentals.’

Under this head he plainly and in terms shuts out the doctrine of the Trinity from the class of fundamentals.

‘The same remark may be applied to the doctrine of the Trinity, as it has been a subject of dispute and been stated in several and different schemes. I can’t think it (the disputed part) has the importance of a fundamental. Men may be equally sincere, equally pious and good, and equally accepted of God, notwithstanding their different sentiments in this controversy. Nor is it plain enough to pass for a fundamental, nor

easy enough to be understood, nor clearly enough revealed. Let any of our schemists go through our congregations, whether among Churchmen or Dissenters, with their draught of this doctrine; and a proper number of queries in their hand relating to it, and I'm mistaken if they don't find upon inquiry by the answers they'll get either that their doctrine is not fundamental, or that the generality, even of the best character for religion, are no Christians. Let them ask what they understand by three hypostases or persons; or what their notion of a person in the Trinity; how they understand it that they are three and yet but one; what the difference between person and personality; what's meant by the eternal generation of the Son and procession of the Holy Ghost. If some have learnt any terms of speaking from catechisms, confessions, &c., that may pass with the examiner for orthodox; yet if they have not ideas and notions answerable to them, as I am confident is the case with respect to many, only can repeat words they understand not, they are no wiser than their neighbours, who want the knowledge of their sounds. Let them, I say, make the scrutiny in most congregations in England, and I'm afraid, if understanding and orthodoxy here be the test of Christianity, we shall lose the company of the best part of our communities.

'In short I think it demonstrable that there is no scheme of the doctrine of the Trinity, (if we insert in our explications according to this or that hypothesis), of that importance, and which carries that evidence in it as justly to be accounted fundamental.'

Then after objecting to the Arian scheme as not fundamental he proceeds thus: 'Nor can it be denied without gross partiality that what we have learnt to call the orthodox scheme is attended with very great difficulties. This scheme asserts the unity of the Godhead with a trinity of persons of the same essential perfections. The first article of the Church of England has it thus, 'In the Unity of the Godhead there be three persons, of one substance, power, and eternity, the Father, the Son, and the Holy Ghost.' The Assembly's catechism thus: 'There are three persons in the Godhead: the Father, the Son, and the Holy Ghost, and these three are one God, the same in substance, equal in power and glory.' And the same doctrine though expressed with variety of terms is owned by most of the Protestant churches, as appears from their confessions; as also by the Papists, in this article esteemed orthodox. All agree that there is and can be but one God, and that the Father, Son, and Spirit are the one God. But when they come to explain it, and shew how they are one, and how three; what their unity, and what their distinction; they have run into such different inconsistent hypotheses, (not without some severe censures one of another), as that the adversaries of the doctrine have taken occasion

from thence to form a fivefold Trinity. Now without pretending to say who offers the best explication, I can't forbear thinking from their various hypotheses, and the manner in which they manage their debates, that neither one nor other of their explications concern the essence of the Christian faith or are amongst the fundamentals.'

In this section also we find him laying down what is his own scheme of three Divine persons, with their different offices, distinguishing it from the orthodox doctrine of the Trinity, however it had been explained. In the tenth or summary and concluding proposition, he states the principle thus :

'10. The method proposed, leaving Christians to the liberty they have an inalienable right to, and are bound to use, of judging for themselves in matters of religion, bearing with one another in lesser matters, and uniting in fundamentals, which may be expressed by the single term Catholicism, as 'tis the certain and only possible way of peace and union, so it will be found in many other respects highly advantageous to the Christian church and interest of religion.'

That Mr Bennet had throughout in his mind the persecution of Peirce, Hallet, and other ministers in the west, by the self-called orthodox party among the dissenters, appears from the passage next to be cited.

'How many great and excellent persons are lost to the generality of the neighbourhood, and too often to the church, their reputation wounded and usefulness destroyed, and they laid aside as a broken vessel, and this by the influence of bigotry and schism, purely on the account of some or other supposed error, that an uncharitable faction has set a brand upon? The church has long felt the mischief of such temper. I wish we do not see the further ill effects of it in some remarkable instances in our day; particularly in discouraging some of the strongest heads and warmest hearts in the ministry, as well as candidates and students for it. Whereas catholicism would unite the church, and consequently defend and strengthen it.' He then proceeds to show what are the matters which he thinks proper for the fervent prayers of devout Christians in respect of this subject.

'That the general and important doctrines of religion were more studied, believed, and had in greater request amongst us; such as the being and perfections of God; the divinity of the Holy Scriptures; the truth and excellency of the Christian religion; the immortality of the soul; the certainty of a future state of rewards and punishments; the necessity of mortification, of self-denial; of living godly, soberly, and righteously in this present world, &c. These and the like, as they are the great principles and foundations of practical religion and have the greatest tendency to cultivate and improve the mind, so they challenge our

chiefest regard. I reckon it a fatal mistake, and indeed one main occasion of the apostacy of the church, that we have been drawn to a neglect of these great and general doctrines, and have suffered our zeal to spend itself upon little controversies, and sometimes upon fancies of our own invention. How far these errors have affected our academies and schools of education I shan't at present enquire, but can't forbear thinking 'tis a sorry preparation for the pulpit for a young man to have his head filled with little but the subtleties of the supralapsarian and sublapsarian scheme; with questions about the extent of Christ's death, the possibility of the heathen's salvation, the necessity of a regular succession, baptism, orders, the nature of schism, &c., whilst in the meantime he is unacquainted with the most useful necessary doctrines of religion; those truths by which souls live; and indeed ignorant of the foundations of all religion; has never been employed in an impartial study of the word of God, or a diligent study of his own heart. Did we apply ourselves to the weightier points of religion, were we under the power and influence of the great doctrines I have mentioned and such like, we should soon discern the vanity of a religion that is taken up in repeating creeds, wrangling about uncertain speculations, and that evaporates into ceremonies.'

After his death a series of sermons by him on Paul's encomium on Christian charity, in 1 Corinthians, chap. XIII., was published. In these sermons, having occasion to explain what he understands by faith, it is not explained in the manner of the orthodox, very far from it, but precisely as it would be explained now by the most heretical of the ministers who have been removed from the benefit of this trust; 'the belief of a testimony, the assent to this or that proposition upon the testimony of another,' while the objects of Christian faith are represented by him as being the 'doctrines, precepts, laws, promises, and threatenings that God has revealed;' [an account is then given of these doctrines, but not in the words of the author, except the following:]

'Concerning the Son, his person, nature, offices, and all the rules and laws he delivered to the world concerning the Holy Spirit; concerning pardon of sin, eternal life, and the way thereto; concerning the necessity and several branches of holiness, our duty to God, our neighbour, and ourselves. Faith views all these as so many divine oracles, assents to them, setting its seal and amen thereto, in the words of the angel in the Revelation, 'These are the true sayings of God.' p. 117.

Let these sentiments of a pastor of Lady Hewley's own time, and in one of Lady Hewley's own churches, be contrasted with those which are called orthodox, and the difference will be at once apparent.

Most readers will agree with Mr Knight Bruce's wonder that these passages were cited by the Socinians, as they state the belief in the Trinity, Father, Son, and Holy Spirit as fundamen-



tal, and deny that character only to the explications of it. The last passage, speaking of the person, nature and offices of the Son as the objects of faith, is consistent only with orthodox views. The definition of faith would not be objected to by any persons of that class. Doctors Bogue and Bennett said of Mr Bennet, in 1810, after mentioning his other works, "His *Irenicum* is not much known. Like many other good men he was not aware of the pernicious effects of Arianism, and he entertained a more favourable idea of the sentiments of some of the dissenting ministers than they deserved. The general principles of the book are good, but not suitably applied." He seems to have been much hurt by the treatment the non-subscribers received. His method of denying Lord Barrington's Arianism conveys the notion that he was not one himself, and he has left many books from which his opinions can be ascertained. No connection is shewn between him and Lady Hewley, but he very early, if not from the first, became the distributor of her charity in the northern counties. He was not a trustee, and seems not to have had any discretion in the apportionment of the fund, but to have paid the beneficiaries in the northern counties, as every one who succeeded him in the chapel did until the chancery proceedings. Even if he had been a notorious heresiarch, there seems no reason why agreement with him should be imputed to Dr. Colton any more than to Mr. Stretton, on whose orthodoxy there cannot be any imputation. Mr Bennet's books quoted in the Proofs were published within five years of his death, but proofs of heresy much more convincing than the extracts afford will be necessary to impeach the orthodoxy of the author of the *Christian Oratory*. His latter writings were on peace and love, and he thought that the differences which he saw, heard, or read of, were strifes of words respecting matters on which any certainty was impossible and any agreement was improbable, owing to the limit imposed on the faculties of man, and did not believe that there was any defection from fundamentals, as to which he agreed with the Evangelical school. He trusted that all was substantially right and safe around him, as he died when as yet there was only one avowedly Arian congregation in England.

Dr. Thomas Colton, who will be conspicuous as Lady Hewley's pastor, is then mentioned as "of the same liberal comprehensive spirit," and John Dunton's character of him is given as "a very

prudent, peaceable man of the primitive stamp, no bigot to any party, but a lover of all good men of whatever persuasion soever."

Dunton's character of himself is then set out, to explain the praise he gave Dr. Colton, but as he was himself a member of the Establishment it is immaterial here. In his autobiography he particularly avows his own belief in the Trinity, but praises Emlyn, shortly before his prosecution, without shewing any suspicion of his heterodoxy. He notices two sermons which Dr. Colton preached. These seem not to have been brought forward by either party during the litigation, and no information was afforded by the Socinians as to Dr. Colton, which is remarkable, as all papers connected with him and his congregation, as well as with Lady Hewley and her charity, were in their possession. The only evidence given as to his sentiments was the extracts from his sermon for Lady Hewley, which will be given in a subsequent page, and the commencement of his will: "I commit my immortal soul into the hands of Almighty God, my Creator, and which I beseech him mercifully to look upon, not as it is in itself polluted with sin, but as it is redeemed and purged with the precious blood of his only beloved Son, and my most sweet Saviour, Jesus Christ, in confidence of whose merits and mediation alone it is that I cast myself upon the mercy of God for the pardon of my sins and the hope of eternal life."

The subdued and moderate tone of the Presbyterians of that time, so unlike the spirit of some leading persons in the Presbyterian body at the time when Presbyterianism was in the ascendant, is no doubt principally to be attributed to the persecution to which for thirty years they had in their political character been exposed. It is observed by Drs. Bogue and Bennett in a passage already cited at greater length, that 'when the revolution brought with it the enjoyment of quietness and freedom from oppression, the minds of the dissenters naturally took a wider range, and acquired considerable enlargement as to their ideas of religious liberty.' It is to be observed that this was not subsequent to the date of the Presbyterian foundations, but that this was the state of the Presbyterian mind before and at the time when these foundations were made; and that this comprehensive and liberal spirit appears to afford the true solution of the fact which is so extraordinary a part of this remarkable case, that in their religious foundations the Presbyterians took no care to exclude any party of professing Christians in future times from enjoying the benefit of them.

Lady Hewley's foundation is particularly unrestricted. It was for

the benefit of persons who were 'poor and godly preachers of Christ's Holy Gospel,' not a word being said respecting how the term Christ's Holy Gospel is to be understood, nor any reference made to any creed, confession, or catechism, which contained any doctrine which such preachers were to inculcate. They were to regulate their preaching according to their own sense of what that Gospel was, and what the Scriptures which contain it teach. To have done otherwise, to have tied down the persons who were comprehended in their charitable intentions to the doctrines of the Assembly's Catechism, of the Catechism by Mr Bowles, who had been in the time of the Commonwealth a celebrated preacher at York, or to the doctrine of any other catechism, would in fact have been at variance with that spirit of comprehensiveness which pervaded at that period the Presbyterian body, and which those who most influenced and guided it studiously sought to encourage.

It is not, however, meant to be asserted that there did not prevail in the Presbyterian body a persuasion that the doctrine of the Trinity in some one of the many forms in which it is professed, but probably in the lowest Sabellian form, was a doctrine of Scripture, and made a part of Christianity; or that there was not a similar persuasion respecting the doctrines of Original Sin and of the Atonement in some form of them; but that these doctrines were not placed by them in so prominent and commanding a position that a court in these days, called upon to interpret their intent, is compelled to assume that their charities cannot be administered by persons who do not profess to hold those doctrines, and cannot be partaken of by persons who profess not to regard those doctrines as essential truths of the gospel. If the founders had considered them in the light in which the courts have placed them, it is contended that they would have guarded them by erecting barriers so marked and uncompromising, that no one could have thought of entering within them who had not the proper qualification. Nothing would have been easier. Lady Hewley for instance might have said, that every minister receiving benefit under her trust, every student entering on the course of education for the ministry, and even every person who should administer the trust, must declare his reception of the Assembly's Catechism, of Mr Bowles's Catechism, or of some other symbol of Christian faith, as containing his views of the Christian doctrine, and repeat the declaration from time to time as occasion arose. She has done no such thing, and that she did not do it is apparently a proof that she did not intend that her charities should be thus restricted; but that the benefit of them should be enjoyed by any minister of Christ's Holy Gospel, however there might be variations, more or less considerable, from the notions respecting that gospel which she herself might be supposed to hold.

CONCLUDING OBSERVATIONS. The appellants do not wish to conceal the fact that the majority of them have held opinions to which the name of Unitarian is given. What they submit is, that there is not that wide difference between their opinions and those of the Presbyterian founders, (supposing such opinions to have, which they deny, any thing to do with the foundation), which makes it incumbent on the courts to disturb them in the peaceful possession they have so long enjoyed. If it could have been shewn that Lady Hewley and the other Presbyterian founders were strict Calvinists, persons exceedingly zealous for the doctrine of the Trinity, and making their foundations with guards for the especial protection of that doctrine, then perhaps the dissimilarity ought to amount to a disqualification. But this they submit is not in proof, and cannot be proved, but on the contrary, that while the Independents of that period generally did hold them, and were zealous for opinions called orthodox, the Presbyterians generally, and especially the more learned, opulent, influential, and considerable of them, in electing between freedom of opinion and strict unity of doctrine, preferred the former, and that they were in fact, as to doctrine, of the school of such men as Hales, Chillingworth, Whitby, Tillotson, Hoadley, men of so moderate and subdued an orthodoxy, that the zealots of those times would refuse to them the name of orthodox, as they refuse it to the appellants now. They again refer on this subject to the judgment already quoted of Dr. Hey, the late Norrisian Professor of Divinity in the University of Cambridge, speaking in his lectures which have been printed and published, of the near resemblance which there is between those called Unitarian and the moderately orthodox.

Bishop Watson had, before Dr. Hey, thus written on this subject :

‘If different men, in carefully and conscientiously examining the Scriptures, should arrive at different conclusions, even on points of the last importance, we trust God will be merciful to him that is in error. We trust that He will pardon the Unitarian if he be in error, because he has fallen into it from a dread of becoming an idolater, of giving that glory to another which he conceives to be due to God alone. If the worshipper of Jesus Christ be in an error, we trust that God will pardon his mistake, because he has fallen into it from a dread of disobeying what he conceives to be revealed concerning the nature of the Son, or commanded concerning the honour to be given him. Both are actuated by the same principle, the fear of God ; and though that principle impels them into different roads, it is our hope and belief that if they add to their faith charity, they will meet in heaven.’ Tracts Vol. I., preface p. 17.

But whatever their opinions are (and they hope and believe that they retain all the real fundamentals of religion, and that there is on

that ground no reason to dispossess them of that which has been delivered down to them by due descent from their fathers and predecessors, and which the courts below found them in the peaceable possession of for more than a century) whatever their opinions are, they believe them to be those which are really taught in Scripture, and to be those which the present advanced state of theological science not only authorizes men to entertain, but does in fact require of them. They do not however stand forth to censure those who follow not with them. They are satisfied with having acted on the noble principle of the Presbyterian founders, that human authority in matters of religion is to be disregarded; that the Scriptures are the only rule of men's Christian faith and practice; and that they are to use the best means with which men are furnished for ascertaining what is the true sense and doctrine of the teachings of the revered founder of Christianity and his apostles, as they are to be collected from those sacred records, in full confidence that the truth, whatever it may be, on controverted subjects, will not be injured by this freedom, but that by this exercise of men's understanding it can only be discovered and maintained.\*

The extracts given in the Proofs from Presbyterian authors by no means establish the position that they did not hold any doctrines to be fundamental, for three from Baxter, pp. 144, 145, 147, one from Howe, p. 154, two from Calamy, p. 154, (in reference to Howe), p. 158, one from Bennet, p. 173, two from Shower, pp. 159, 160, (one in a letter to Joshua Oldfield, referring to Nathaniel Oldfield), and one from Wright, p. 171, all refer to some doctrines as necessary essential or fundamental, or to some terms of communion as fixed by Christ.

The smaller and indifferent matters referred to by Calamy, p. 154, Howe, p. 154, Shower, p. 160, Bennet, p. 174, and Duntun (not reprinted here), clearly all relate to church government and matters in dispute with the Establishment, to points in controversy between Calvinists and Arminians, or to questions which in Bishop Davenant's phrase, quoted by Mr Howe, *non ad fidem fundamentalem sed ad peritiam theologicam, et fortasse non ad hanc quidem, sed aliquando ad curiositatem theologicam.*

Moses Lowman in his Essay on Orthodoxy already referred to says,

"I never yet could see a list of fundamentals in Christianity. I have heard Protestants when upbraided by the Romanists for want of unity,

\* Here the quotations from the Proofs end, and the smaller type will be henceforth used for other extracts.

plead agreement in fundamentals, and I have heard the Papists hereupon demand such a list, but I never knew any Protestant hardy enough to produce it."

After the manner in which Mr Howe is referred to in the Proofs his authority must be considered as conclusive upon what the Presbyterians of his day held to be the fundamental and essential doctrines of Christianity. In his first sermon on the Carnality of Religious Contention, preached towards the end of the controversy originating in Crisp's works, which drove him from the Pinners' Hall lecture, he states "the incomparably greater things wherein all serious Christians are agreed, and wherein they really cannot but be agreed," as follows.

"We are all agreed that a sinner, an apostate lapsed creature, can never be saved and brought to a blessed state, but he must be justified and he must be sanctified. He must be justified to make his state safe; he must be sanctified to make the temper of his spirit good, capable of communion with God in this world, and of final eternal blessedness with him in the other. We are agreed that such justification and such sanctification are both the effects of most absolutely free and sovereign grace; that none could be ever justified but by freest grace; that none can ever be sanctified but by freest grace, most absolutely and most sovereignly free. We are agreed that the highest perfection of sanctification that can possibly be attained unto signifies nothing at all to deserve, to procure by merit, our justification. We are agreed that both, as they are from the most free and sovereign grace, so they do come through the mediation of Jesus Christ, the alone Mediator between God and man; that the righteousness is entirely and only Christ's, by which we are justified; that the spirit is most entirely and only Christ's, by which we are sanctified.

"We are agreed that whoever does sincerely, evangelically believe in God through Christ, receive Christ, is united with him, or is in him; who doth by sincere repentance turn to God; whose heart is won to love him in truth as his highest and best good; who is conformed to the image of his Son; and who, having been made willing in the day of his power, doth now render a sincere obedience to him; every such one is in a safe state, accepted with God, has found grace in his eyes.

"We do all agree that they that do never believe, they that never repent, they that never love God, they that are never brought to obey him, that live in enmity and rebellion against him to the last breath, must needs be in a lost state, are never justified, never accepted with God, are liable unto coming and abiding wrath, and remain under condemnation. We agree that such faith, such repentance, such love to God, such obe-

dence, even in the most entire sincerity, are not to be considered at all as any cause of such a person's acceptance with God ; they do characterize the accepted person, but they cause it not, they deserve nothing ; nay, they could not if they were perfect. No internal work of the Holy Ghost, though in this our present state it were most absolutely perfect, so as to exclude every thing of sin, could be any part of that righteousness which must justify us before God. To suppose that it could, would be manifestly to confound the offices of the Redeemer and of the Holy Ghost. It was Christ that was to merit for us ; the Holy Ghost was never to merit for us. It was not the Holy Ghost that died for us ; nor can his operations or productions in us have any causative influence to the meriting the justified and accepted state of any person before God. They were never meant for that purpose, nor have any aptitude or accommodatedness thereunto. They cannot make us never to have sinned, nor can atone for our having done so. We cannot but be agreed in this, for it is plain and carries its own evidence in itself, that is, suppose we a person, as soon as he is converted, made perfectly free from sin that very moment, by some extraordinary powerful work of the Holy Ghost on his soul, how shall that expiate for his having been a sinner." \*

Baxter has left us his opinion at the close of life as to the essentials of Christianity, and it exactly agrees with that which he had thirty-six years before presented to the Parliament.

"Christ bindeth all Christians to live in communion as saints, as making up one body politic (of a transcendent species) of which Christ is the supreme Governor or Head.

"This communion of Christians in the church, as catholic, is essential by the essentials of Christianity and ministry. The Christian

\* The Preface to this sermon contains also Mr Howe's opinions as to standards of faith and of communion, and the passages are given here that the whole matter may be presented in his words, though they represent the views of the Independents, not those of the Presbyterians.

AS TO STANDARDS OF FAITH. "Such schemes or collections of doctrines reduced into an order, as gold formed into a vessel, (whereas truth as it lies in the Holy Scriptures is as gold in the mass,) may be of use as they have always been used in the church in all ages, more distinctly to inform others concerning our sentiments, though the use is less than after thorough search and inquiry they can be of to one's self, provided they be allowed to be looked upon but as a mensura mensurata reserving unto the Scriptures the honour of being the only mensura mensurans ; and so that we only own them as agreeable to the Scriptures : and again, that we declare we take them to be agreeable thereto in the main or for substance, without attributing a sacredness to the very words of a mere human composition, which indeed we cannot attribute to the words used in the translation of the Bible itself : and that for the things, we believe them with a degree of assent proportionable to their greater or less evidence."

This is exactly the ground taken by the Savoy Confession.

AS TO TERMS OF COMMUNION. "If therefore any society of men professedly Christian do make other limits of their communion, admitting those that Christ's rule excludes,

churches through the world have communion in all these things following, at this day :

"They are all baptized with the same baptism in essence, and so are all Christians. Particularly they all profess to believe in God the Father, one Jesus Christ our Redeemer, and one Holy Ghost, one in essence with the Father and the Son. They all profess the same creed, called the Apostles', yea, and the Nicene, and the Lord's Prayer as the rule of our desires and the Decalogue as the summary rule of practice.

"It is not the Papist's trick of challenging us to name fundamentals, that will cheat men of understanding to confound Essentials and Integrals. That which hath no essence is nothing ; that whose essentials are unknown is not knowable, nor can be defined.

"Christianity was once known by baptism ; and it was once knowable who were to be baptized, and who to be received as Christians into communion. There are multitudes of divine truths revealed in Scripture, and therefore to be believed, which are not essential to a Christian or a church." *Against the Revolt to a Foreign Jurisdiction*, 1691. p. 388.

If it was the characteristic of the Presbyterians to hold that no dogmas were essential, and if such a notion had never before been entertained by any body of Christians, as was most assuredly the case, how comes it that this principle was not proclaimed to the world by any Presbyterian writer before 1717? If held, it must necessarily have been introduced and insisted on at all times, if it did not deprive every other topic of all influence or interest.

Yet Baxter and Howe are without doubt the only divines who could with any guise of honesty, or any chance of success, have been put forth as having formed, or represented, a "liberal" party among the Presbyterians contemporary with the Revolution. The

excluding those whom it would admit, especially if the alteration be not only by the making those things necessary which he hath not revealed nor enjoined as necessary, but which he hath not revealed or enjoined at all, and so is not only to add to the Christian religion taken at large but even to its essentials ; this is substantially to change the evangelical covenant, to make it another thing, to break Christ's constitution and set up another."

The only dispute at that time respecting terms of communion was with the Episcopalian establishment, which required certain postures, ceremonies and forms, in the administration of the sacraments and in public ministrations. There was not then any controversy between Presbyterians and Independents as such, terms of communion were not referred to in that originating in Crisp's works. The Presbyterians and Independents pursued different methods as to admission to the Lord's Supper, but the qualification necessary was supposed to be the same in both systems, only the Independents required evidence of real piety in addition to a moral life ; no doctrinal test was set up by Independents, nor was any complaint ever made of their rejecting any person who wished to join them, on account of difference in doctrine.



former having written on almost all subjects and having attempted, and before the Restoration carried out, in his own neighbourhood, a scheme of union among the three leading denominations, Episcopalians, Presbyterians, and Independents, was in some sort a Council in himself, and his theological reading, of almost unexampled compass, and his long experience of revolutions in religion, had led him to believe that truth was not to be found in any one party only. The sublime and serene spirit of the latter, constantly exercising itself in contemplating the ideas which were the archetypes of the spiritual universe, could not submit that any man should dictate any limit either to its intelligence or its love. Such men, chafing at the obstacles which smaller minds and meaner natures were ever opposing to their exhortations to concord and mutual charity, might well have been expected to have been betrayed by their very virtues into careless expressions such as those of Bennet. No passage has however been produced from their works which, when read with the explanation of the context and their other writings, at all favours the Socinian position, that there are no fundamental truths, but on the contrary it has been shown that they (as did all their brethren) held Trinitarian doctrines to be necessary to salvation, and the Calvinistic system of divinity to be the true interpretation of the ways of God to man. Their generation of ministers is the only one we have to do with here; and thus the case attempted to be made out by the Socinians falls hopelessly to the ground.

In like manner the most liberal part of the next generation of Presbyterian ministers, the Non-subscribers of the Salters' Hall Synod, in their advices (sup. p. 26) affirm that there were errors in doctrine so important as to oblige a congregation to withdraw from a minister who maintained them; they treat the Christian faith not as a matter to be discovered, or to be perpetually distrusted and canvassed, but as already known with certainty, being contained in express declarations of Scripture, and they refer with all respect to their old Catechisms, in their proper office of helps in the interpretation of the Bible. In the subsequent vindication of themselves they declare their conviction that the Scripture doctrine of the Trinity lies at the foundation of Christianity, and runs through the whole of it, and is the proper frame and scheme of the Christian religion. Indeed persons who hold that doctrine must so

consider it, for it is only as based upon it that Christianity is different in kind from Judaism, Mahomedanism, and from the original Buddhism.

Down to the middle of the last century, even after the faith had become debased, the form of Presbyterian ordination testified to the original idea of its oneness and purity. The ordaining ministers, previously to laying their hands on their young brother, required him to promise to be "zealous and faithful in the defence of truth and unity against error and schism." Thus the certificate of Thomas Pickard's ordination in 1705, as minister of the New Meeting Birmingham, (predecessor of Samuel Bourn), which was signed by three ejected ministers, expressed the ordainers' personal knowledge of him as "sound and orthodox in judgment." This phrase was rightly used by those who thought they were conferring authority on men whom they had previously examined; while the certificate of an Independent ordination, where no examination by the ordainers takes place, and it is not assumed to impart authority, but the neighbouring ministers merely recognize their brother, and invoke the blessing of the Great Head on him and his church, properly omits all mention of qualification, and merely testifies to the observance of the scriptural form.

The early Arians and Socinians of Protestant times were as fully alive to the necessity of maintaining some dogmas as fundamentals to Christianity as the orthodox were. They saw to deny this was to surrender everything to the Deists. The Racovian Catechism defines the visible church as "A society of such men as hold and profess saving doctrine," and states that "to hold the saving doctrine is the essence of the Church of Christ." Dr. Rees' Translation, 1818, pp. 369, 370. So also Mr Pierce says, "If men profess and preach anything inconsistent with the main essential doctrines of Christianity they subvert men's souls and cannot be the means of saving them." Sermons, p. 19.

The main argument of the Proofs is that the one governing principle of the Presbyterian body was resistance to subscription to a creed. Baxter is represented as having been the first to set himself against the practice, and as rendering it unmeaning by requiring it only in reference to the Apostles' Creed, which, it is alleged teaches nothing more than every Socinian believes. We have seen that he calculates upon subscription to some formulas, and that in his idea the creed contained, in short, the whole substance

of Christianity, and particularly the doctrines of the Trinity and the Saviour's Atonement; and that he would have used it to render amenable to temporal punishment every person who, having signed it, should diffuse Socinianism; that is, he was willing to make heresy a secular offence, and to punish those guilty of it in the same manner as other criminals. So defective were the notions of the man in advance of his denomination, and with so little truth is he referred to as the father of toleration.

The notices in pp. 106-108 and 139, it is submitted, dispose of the notion that the Presbyterians objected to a written standard of doctrine. Their general practice of dispensing with subscription followed from the rigid inquisition they made into the faith of their ministers at the time of their ordination; besides they had, what it may be believed they deemed a safeguard, the subscription required by the Toleration Act, sup. p. 116. The first protest against creeds and subscriptions contained in the Proofs is that of Moses Lowman in his essay on orthodoxy.\* It is directed against new tests, or rather against the principle of constructing a formula of doctrine on every fancied necessity. The arguments used are urged as if novel, (though they have not since been improved upon), and there is no reference to any one else as having held them. The point of it is to enquire what good standards and subscriptions had ever done. This essay of itself disproves the notion that the Presbyterians had no formulas of their faith, for if their one grand principle had been the practice of unfettered bold inquiry, there was no need of any argument, and it would not have been necessary to say more than that any standard, or subscription to it, was contrary to the principle which distinguished Presbyterians from other Christians. Nothing like this has been found in any Presbyterian volume published up to 1717.

In the section entitled Presbyterian opposition to creeds, &c., it is stated, p. 70, that the reason for which the Presbyterians objected to creeds was that they had found great errors in their old creed, and did not pretend to say what was truth, and would lay no restraint on future inquiry.

It is added, 'This, however, is so important a position, and bears so strikingly on the course which the Presbyterian founders took in their

\* The whole extract from Lowman is so just and so felicitously expressed that it is omitted reluctantly but, as it related to a matter not in dispute, there would have been no justification for incumbering these pages with it.

benefactions; it is so pointedly in opposition to the doctrine of the court below that the founders did intend to limit inquiry, and to set up an invariable creed in which the doctrine of the Trinity and the doctrine of Original Sin were to have a place, that it must be vindicated as a principle of the Presbyterians of the time, and this shall now be done in the most unexceptionable way, by quotations from their writings, and by shewing what was their practice.'

The passages however which are then adduced are all from writers of a later generation, excepting Baxter and Jollie as Independent; and this objection is not removed by the reasoning to be found at page 72 *supra*. These quotations moreover when examined assert nothing more than that the Scriptures only are binding on men's consciences, and can properly be imposed on them. No one quotation from any orthodox writer, or indeed from any heterodox one, intimates the abandonment of their ancestral Calvinism. The more important of the passages quoted will be found at p. 155 as to Howe; at pp. 159 160 as to Shower; at p. 169 as to Wright; at p. 147 as to Baxter; at p. 157 as to Calamy; and at p. 72 as to Jollie; and if the meaning of them had been as stated, they should have been inserted among the proofs of the early liberality of the Presbyterians. The quotations are not all reprinted, but the correctness of the statement here made as to those omitted will perhaps be assumed after an examination of those given.

Throughout the Proofs the rejection of a creed is considered as involving objection, or at least indifference, to the doctrine conveyed by it. If that were so the refusal to subscribe it would be entirely destitute of merit, and indeed would not call for any remark. The Independents have always held and proclaimed the true basis of the objection to creeds. They have wished to perpetuate their faith in living ideas, and they have known that they should fail to do so if they trusted it to any form of words, even if that form consisted of Scripture phrases. This is the true tradition of the church, doctrines originally educed from the Scriptures, continually compared with them, and subject at any moment to be tested by them. The feeblest and the ablest of men alike feel that their thoughts suffer in being uttered. Every man is conscious of some truths and principles which, apart from phrases, have taken possession of his mind, which he cannot perfectly express, but which he has from time to time proved or applied to his satisfaction. On the other hand every man is also

a possession of some formula of his faith which he has learnt perfectly, and has repeated statedly or frequently, but which, if he reflects, he will find to be only words, not conveying to him any definite vivifying thought. The doctrine of a denomination must be committed to words, but it need not always be committed to the same words, and so become a form; theological ideas are in that respect to be treated as those of morality, æsthetics, or any mental science. The polity and discipline of the Independents has always enabled them by conversation or oral interrogation to ascertain a man's opinions, since they had no form for him to take refuge in. Their faith in Scripture, in truth, and in God's church as a witness and guard of the truth, has had its reward. Congregationalists (Independents and Calvinistic Baptists), have always and everywhere during two centuries (not to go back to the churches of Elizabeth's time) when faithfully observing their church order and their discipline,\* preserved their faith unchanged, varying only in those small matters in which human minds must differ. They alone, of all coeval communions, shew this, the chief characteristic of the true church. The authors of the Proofs should have bethought themselves with whom they were in controversy, and have reserved their fallacies for safer occasions. Throughout the Proofs it is always assumed, and here and there stated, that the Independents practise subscription, and it is most remarkable that the authors should be so ill-informed in this respect. The agreement of the Independents with the English Presbyterians, on the rejection of subscription to a written standard of faith, is destructive in great part of the Socinians' argument, and was the strong point of the Independents against the Scotch Presbyterians. Neither of the parties opposing the Independents seemed able to conceive of the possibility of a doctrine being perpetuated otherwise than by subscription to a formula of it.

It is true that many Independent chapels or their sites, are conveyed upon trust for persons believing the doctrines expressed in some summary of faith, either the Assembly's Catechism, the doctrinal articles of the Church of England, or the declaration of the Congregational Union, and no doubt a court would require on

\* In the United States, where the Socinians call themselves Congregationalists, the congregational churches were at one time so far connected with the state as to render true discipline impossible; but whatever the circumstances, there is no real congregationalism where credible evidence of real piety is not a requisite for church-membership.

behalf of persons claiming the benefit of the trust, profession of those doctrines in verbiis and adherence to them, but no church worshipping in a chapel so conveyed, requires a recognition of the standard, much less subscription to it, from church-members on admission, or from a minister at or previously to his election or ordination. If the minister's orthodoxy were suspected he could not clear himself by subscription to the standard, nor would one who was known to hold the substance of a doctrine, be considered unsound though he objected to its phraseology. In a discussion as to doctrine among Independents on any occasion, whether official or merely friendly, such a standard may be referred to, but only as evidence of what the framers of it believed, and it would not be allowed to have any other weight. It would be admitted that the standard was used to meet the legal necessity of the case, and not to bind the church or any member of it to the precise words used. Every decision as to doctrine would be arrived at upon what was deemed the common faith and the words of Scripture. Nor would a court, although they would require to be satisfied that a church recognised the doctrines prescribed by the trust deed of their chapel, require them to adopt the practice of subscription, but would allow them to proceed as before. Thus this written standard would not become injurious. At the same time it is not pretended that the methods of a written standard and subscription are rejected in order to allow liberty of belief; on the contrary, they are intended and practised in order to preserve unity of faith.

If by the free inquiry so often mentioned in the Proofs is meant that the Presbyterians carefully sought the real meaning of the Scriptures, and did not knowingly allow their minds to be biassed in the search by any human authority, that is freely admitted; but the same freedom of thought has ever been displayed by the Independents, although they have remained the unchanging, uncompromising body described in the Proofs. For they have always appealed to the Bible only, and been prepared to adopt any new light which sound criticism can shed upon it; but they have proved the advantage of not being in haste to adopt every new scheme of interpretation, having seen system after system exploded and forgotten, though each in its turn had been hailed as the great discovery of the age in biblical science. They may well believe that what they consider the essential truths of Chris-

tianity, which have commended themselves to the wisest and best of men during eighteen hundred years, in all their varieties of intellect and mental cultivation, are not to be exploded by science when they relate to matters with which science has nothing to do, or by criticism when every sound intellect is sufficient to recognise them for itself in the inspired pages. It is too much to expect us to admit, as is assumed throughout the Proofs, and indeed on every occasion, that there can be no free inquiry which does not end in Socinianism. It did not, during the twenty years to which attention is restricted here, produce even latitudinarianism among the Presbyterians. That is the point most laboured in the Proofs, and the only evidences of it they contain are the expressions of Baxter *supra* p.149, of Brooks p.153, and of Howe p.154, in relation to subscription, essentials, peace and charity; expressions which we have seen, when properly considered, really prove the contrary. The General Relaxation of Doctrine is instanced in Baxter only of the Presbyterians, (and how unfairly in him has been shewn), while examples of what is meant by the phrase are given in a succession of prelates from the time of Charles the Second to that of George the Second, and two episcopalians, greater than bishops, who flourished before the civil war, pp. 68-70. The Presbyterian Opposition to Creeds, &c., (that &c. meaning so much without being, as in Lyttelton, fairly implied from what went before), appears p. 71 only in writings subsequent to the period in question, excepting one quotation from an Independent: and the only Public Occasions on which it is alleged to have been displayed have also no bearing on the question, being the Salters' Hall Synod, in 1719, and the agitation for relief of Dissenters from subscription, which was deferred until 1773, when Socinianism was gaining ground, p. 76. To answer remarks founded upon the practice of subscription to the doctrinal articles of the Church of England, required by the Toleration Act, a most injurious and unjust attack is made on Dr. Calamy's honesty, p. 74, and an obscurely worded sentence is subjoined to cover the fact that the Presbyterians did not oppose the enactment of that imposition. It may have been desirable to enforce the Reasonableness of the Principle by the arguments of others than Presbyterians but, if it had been their distinguishing characteristic, it might have been expected that they would best have descanted upon it, or that at any rate we should have had the reasonings by which they ensured its first reception. This, however, is left to

Anne's Arian chaplain, to one of George the Second's bishops, and to Milton who, whatever he was, was no Presbyterian, see p. 77. As evidence of Early Application of this Principle particulars are given p. 77, of Dr. Calamy's account, (written after 1720,) of his views at his ordination in 1694, and his journey in Scotland in 1709, which are too long to be reprinted in this volume as they have no bearing on the subject, except as proving that the doctor objected to the terms of conformity in the English Establishment, and also to Presbyterian discipline. The charge of latitudinarianism brought against him in Edinburgh was founded on a sermon in which he merely exhorted the Scotch not to make additions to the Christianity of the apostles. It does not appear from the Proofs that before 1709 the Controversy as to Essentials was sustained by any Presbyterian, p. 79; or the principle of Opposition to Creeds applied in Dissenting academies, p. 81; or Arian notions openly preached among Nonconformists, except by Mr Emlyn, p. 92, who was prosecuted for it with the concurrence of his own denomination and flock in Ireland, and discountenanced by the body in England, p. 32. The Practical Effects of the Principle are not recounted from any Presbyterian book dated prior to 1709, notwithstanding the abundance of Anti-Trinitarian tracts at the close of the seventeenth century. The dismissal of Arian ministers in Devonshire, p. 96, as well as the Salters' Hall Synod, p. 99, happened after the time to which our attention is limited, and the account given in the Proofs of that assembly, and of the general state of things at the time, in proof of a wide-spread laxity of doctrine, is contradicted by Dr. Calamy's life, and the Vindication of the non-subscribers. All the quotations from the "Occasional Papers" which have any bearing on the point in question are to be found at p. 117, and they rather admit than deny the doctrine of the Trinity; while the article on Orthodoxy, as far as it is extracted, merely objects to human standards of doctrine and subscription. Of the writers in those Essays and Reviews, Doctors Grosvenor, Wright, and Evans, were orthodox, and it would be difficult to prove that Mr Browne and Mr Lowman were otherwise at the time of their contributing to those volumes.

The Proofs do not explain to us how free inquiry can be pursued by a congregation, and it is confessedly with the congregation that the right must lie. It is difficult to conceive a change of opinion in an orthodox congregation, with respect to a doctrine so absolutely fundamental as those of the Deity of the



Saviour, and the atonement made by Him for sin, unless its minister openly preached Arianism or Socinianism. If, without combating orthodoxy, he merely abstained from touching on any doctrinal subject, the congregation would be influenced by the withdrawal from their consideration of the topics which had been the sources of their religious life but, unless warning was given them of what was intended, the greatest part of them would for a long time be unconscious of any change in themselves. Even where a small number became alive to the process going on, it would be a very delicate and dangerous operation to draw attention to it, when all that could be noticed was silence or reserve upon particular subjects; complaints would be put down by the minister's friends, and met by him with evasive sermons or statements. This style of preaching is in the Proofs, pp. 65, 94, and 123, sup., attributed to the ministers during whose times the congregations lapsed from the faith, and it is intimated that they were governed by prudence in the avowal of their opinions. So Mr Pierce in 1718, when his doctrine was called in question, preached sermons from which no definite conclusions respecting it could be drawn, and refused to be more explicit when interrogated in his place in the Western Assembly. Mr Bourn's wrath was roused by a candidate for a pulpit being questioned, in 1742, by members of the church, as to his views on the Trinity, the Atonement, and Justification by Faith. After the controversy carried on throughout the land, in consequence of the meeting at Salters' Hall, no minister could conceal his opinions without a definite purpose and a foreseen result. Nor could he have avoided seeing that it was not consistent with the compact, express or tacit, entered into by a minister with his people on his settlement over them, that he should without their consent vary the doctrine which he then preached to them. It was however necessary to the success of any scheme that they should be kept in ignorance of the change. No instance is recorded of a Presbyterian congregation really orthodox tolerating their minister on his suddenly preaching opinions opposite to those which he had previously professed. In cases after 1730, in which a congregation remained with an amiable minister, during and after his gradual and unconscious change from orthodoxy to Arianism, and such may have happened, their acquiescence was necessarily as blindfold as if it had been obtained by artifice. In all instances in which a congregation abandoned the old faith there was no

inquiry, no deliberate change of opinion. The giving up a definite real doctrine, unconsciously, unintentionally, unthinkingly, for such indeterminate and unmeaning notions as must be produced in either manner, by the craft of a minister, or by unconscious and unobserved changes in his convictions and preaching, cannot by the most audacious controversialist be held up as progress. The new opinions they blindly received were so utterly destitute of all vitality, that the congregations either speedily became extinct, or eventually adopted notions which the first heterodox ministers would have regarded with the utmost horror, and then sunk, with six or seven exceptions, into a state of pitiable decay and non-efficiency. Does it appear consistent with any notion of right or public policy that this careless and thoughtless drifting into negative belief should avail to divert property dedicated to public uses to the support of doctrines diametrically opposed to those of the founders, without special authority in the trust deed for the change? Does not the rule of English law commend itself to every mind, that in a lawful matter the will of the founder should prevail if expressed, and if not expressed, that his practice should be followed if anywise convenient? Can any right be founded in the perversion of a congregation by the artifices and dishonesty of its minister, or even by his indecision and incompetence?

It is not easy to see how free enquiry can really be carried on by a congregation, as they must be in the power of the minister. Real inquiry cannot be made without hearing both or all sides, which is out of the question. How are the contending parties to be secured equal opportunities of being heard? Supposing the old faith abandoned, no new one can prevail, if not the preacher's; the more zealous a hearer the less will he tolerate sentiments contrary to his own creed, and the more certainly will he betake himself elsewhere. Every man of ordinary feeling and sense of decency, not to say of piety and devotion, will be driven away, none will remain but factious brawlers. On every principle or theory it is unjustifiable wilfully to introduce or diffuse heterodoxy in an orthodox congregation. A minority holding new opinions cannot have a right to bring the majority into the misery and peril of controversy, for changes of opinion are necessarily painful and scandalous to the women, children, and poor of the congregation, and controversy is unendurable to them. Practical difficulties would arise in every new conjuncture

of circumstances. Is a majority formed of new comers to overbear the old attendants. By what period of attendance should a suffrage be obtained. Who, during the period of controversy and conflict, is to assign the pew or sitting, or receive the contribution, which is to confer it? Surely if any deed brought about such a state of things the wellbeing, if not the existence, of the congregation, would require an application to the Chancellor, as guardian of all charitable foundations, for a scheme to prevent such mischief and such scandal. No man of common feeling, conscience, or prudence, would act as trustee of a chapel so circumstanced.

The Socinians do not themselves encourage free inquiry, or acknowledge such right in a congregation. This was best shewn in the case of Stannington Chapel, near Sheffield. It was endowed by Richard Spooone, in 1652, apparently for worship according to the Prayer Book, and certainly for the support of Trinitarian belief. He directed that the minister should be "approved for honesty of life, soundness of doctrine, and diligence in preaching." His doctrine may be learnt from the opening clause of his will, "I desire in the name of Jesus Christ to bequeath my soul into the hands of God that gave it, hoping assuredly to be saved by the death and precious blood-shedding of Jesus Christ, and by no other merits." His chapel became dilapidated about 1740, by which time it had passed into the hands of Independents. Though a succession of thirteen Episcopalian ministers officiated in it, and more or less of the Anglican forms had been kept up, it had always been a Nonconformist place. A new chapel was then built on an adjoining site by one Independent of the name of Marriot, and was endowed by another of the same name. The minister became an Arian, and by that time the trusteeship had fallen into the power of Socinians; they, in 1780, wished to place there a minister of their own views, but the inhabitants made such opposition that a Calvinist was appointed; on his leaving in 1785 however the trustees put in a Socinian, and his successors have been like him. In 1825 three hundred and forty, out of the three hundred and ninety inhabitants who were fit to take part in such a matter, signed a memorial expressing their desire to have Trinitarian worship in the chapel, twenty-seven expressed their dissent to the memorial, and fifteen were neutral. Of the twenty-seven dissentients five only were considered to be Unitarians. The memorial was addressed to the chief acting trustee, Samuel Shore Esq. of Meersbrook Der-

byshire. It set out all the circumstances of the case, and referred to Lord Eldon's opinion as to the illegality of diverting such property from its original uses, and concluded thus: "We beseech you then by your love of truth, by your regard for love, justice, and equity, by the high character you sustain, by all that is dear to you as a man, a parent, and as a Christian, listen to our reasonable requests, and since your authority was made available for the appointment of the present minister, let it be successfully exerted for his removal." Mr Shore, on behalf of himself and the other trustees, declined to remove the minister, since his character was admitted to be good. Stannington still remains a Socinian chapel, with a very small congregation. Mr Shore had also the distinction of being eponymous defendant in the suit for recovery of Lady Hewley's charity, but he was not removed from that trust, as he died from a fall from his horse on his way, if report spoke true, to keep an appointment connected with the matter.

At Wareham, on the other hand, the majority of a congregation formerly orthodox again became such, during the pastorate of a minister who seemed to hover between the two systems, the change being effected chiefly by a member of the congregation and trustee, who diffused or encouraged evangelical opinions. In the *Monthly Repository* for 1829, vol. 3, N.S., complaints are to be found of that method of recovering a chapel. At the ordination there of an Independent minister in that year the Dorset Association appointed the Rev. Messrs. Durant, Keynes, and Gunn a committee to investigate the title of the congregation in possession of the chapel, and to report to the Dorset association. The resolution also expressed that it was left to the Southern Unitarian Association to appoint three ministers of their body to co-operate with those three gentlemen in the investigation. This invitation was respectfully declined by the body to whom it was addressed, for reasons which they assigned.

In addition to the claim to the chapels, founded on the will of the congregations occupying them, a title to them is attempted to be made out by descent from the founders, through successive generations of worshippers in them, p. 99. Conversely it is asserted that Independents have no pretence to the Presbyterian chapels and endowments, for the reason that they are descendants of Wesley's or Whitfield's converts, and not of the Congregationalists of the Protectorate. It is not suggested that there is any difference between the Independents of the two periods in

question, or that there is any division of the body into new and old, but the objection is founded on want of natural descent, and of possession of an ancient chapel. Certainly this is a most remarkable disqualification to be insisted on by persons who represent the first Congregationalists as the rivals and enemies of their Presbyterian contemporaries, p. 66. As however this argument was scarcely at all mentioned in the courts of law, it need not be further noticed here, but deferred till we consider the debates which showed that it had weight with our legislators. Remarks as to the right of property, and the length of possession of Anti-Trinitarians are also postponed.

The existence and enforcement of a right to a chapel or endowment in connection with definite doctrine was represented in the Proofs, and still more in other writings of the time, as an infringement of mental freedom; but to prevent a man from perverting property dedicated to public uses does not interfere with any right which he has; he and like-minded men are as free as if that property did not exist, and they may form a corresponding institution to carry out their views. It neither is persecution to prevent them from misapplying an old foundation, nor bribery to give others the benefit of it. It is simple justice to the founders and persons of their opinions to secure the enjoyment of the property according to the original disposition of it.

Reflections have also been made upon appeals by Dissenters to civil courts, as submitting the principles of Nonconformity to the decision of Judges who, it is said, cannot understand, and are by no means certain to recognise them, on the ground that our most cherished rights and privileges are by such proceedings placed at the mercy of the powers that be in Church and State, which have never done Dissenters justice until compelled by fear or a sense of their own interests. The answer is that the right to the use of a meeting-house is created and regulated by the law of the land, and cannot be vindicated otherwise than before the national tribunals, that it concerns every one that the rights of property should be vigilantly asserted, that the most sacred property is that which is dedicated to promote the worship and service of God, (as distinguished from the enrichment of his ministers) and that it must be the duty of every one to prevent a chapel or endowment, originally Trinitarian, from being perverted to the purposes of those who teach that Christ is merely a man. A suit for that purpose is perfectly consistent with Christian, Protestant, and

Nonconformist principles as the only method in such a case of carrying out both parts of the command, "Render unto Cæsar (the commonwealth) the things that are Cæsar's, and unto God the things that are God's." Yet after all when we see what the Judges did in their capacity of legislators, we must admit that the objection to legal proceedings was prompted by a true instinct.

Some remarks seem necessary on the arguments with regard to matters of fact contained in the Proofs. The reasoning as to Lady Hewley's opinions, with an answer, will be found at p. 117. The original trustees are in p. 118 stated to have been Arminians, and to have supported freedom of enquiry instead of adherence to creeds, and from the first to have distributed the funds among ministers who had a tendency to heretical notions. There is no reason shown for believing them to have been Arminians, except the assumption (which appears at every mention of doctrines) that the Presbyterians had become Arminians by the time of the revolution, and this has been considered at page 138. The two ministers among the trustees have been shewn to be orthodox. Nothing is stated as to the sentiments of the lay trustees except as to Mr Wyndlow, and we have no evidence as to him; since the vague expressions used respecting him by his son-in-law's funeral sermon may, in his case as in Lady Hewley's, have only conveyed the preacher's beau ideal of the character or position filled by the deceased. This being so, the reasoning from Mr Wyndlow to his co-trustees is fallacious. Sir Nathaniel Gould only of them seems to have been traced, which would seem singular if it were not that the Presbyterian archives have perished, or are in alien hands. Sir Nathaniel, as the friend of Watts, and as not marked in his own time, or paraded now, as heterodox must be taken to be orthodox. The history of the congregation in St. Saviour's Gate York, up to Mr Hotham's death, is merely inferential, and is in the main point at variance with Mr Moody's account. After Mr Cappe's appointment or election, we may be sure evangelical religion was excluded from the chapel which Lady Hewley built, but we are not informed, and it would be useless to enquire, how soon and how far he was avowedly heterodox. Many a congregation became Arian within twenty years after losing a most evangelical and exemplary pastor. Greater certainty is not afforded us as to the Northern congregations benefited by the charity. Heterodoxy in England has so generally been able to make good Hampden's motto "*vestigia nulla retror-*

sum" that when reconquests from it are admitted, a doubt arises whether its previous triumphs are not apocryphal. The inference to be drawn from the number of orthodox Presbyterian recipients of Lady Hewley's funds before 1830 is so obvious that it is not to be wondered at that the authors of the Proofs were anxious to shew that several of their congregations had shortly after her day become Arian. Of the towns mentioned in p. 129, Durham, Sunderland, Penrith, Penruldock, and Whitehaven have now no "Unitarian" chapel. Kendal alone of them is so circumstanced. Fifteen ministers are mentioned in the distribution list for 1728 as the beneficiaries in the northern counties, and not one of their chapels is now in the hands of Socinians, though this may have been the case, as several of the congregations appear to be extinct. Mr Joseph Dodson (wrongly called John in p. 97) from his sermon which is quoted there, seems to have considered Arminianism, not Arianism, the subject of contention in his day. The heterodoxy of Doctors Dickson and Rotherham is only conjectural. What is said of Bennet is matter of opinion, not of ascertained fact. The truth of almost all that is said in this part of the Proofs can be best tested by ascertaining the real nature of Mr Bennet's opinions, and it is trusted to obtain further evidence with regard to him and Mr Bury.

The quotations cannot pass without some general remarks. It must have occurred to every reader that very few of them have any real bearing on the matter in dispute. This can scarcely be disputed as to those from Brooks p. 153, Oldfield p. 161, Tallents p. 162, Henry p. 162, the Layman's Reasons p. 164, and Dunton with reference to Dr Colton, p. 175. The same may be as truly said of the extracts from Bury and the great stress laid upon them must be regarded as a decisive symptom of the weakness of the appellants' case. Baxter, Calamy, and Bennet supply the bulk of the Proofs, and are the mainstays of the argument, and for this purpose it was necessary that they should (with Dr. Manton) be represented as themselves of unsound opinions, Baxter as the special patron of Socinians, Calamy as introducing Arianism, Bennet as giving up the Trinity. It is to be remarked with regard to the last that his statement or explanation of it is kept back. It is very hard on Manton, Calamy, and Bennet that their good advice to believe the doctrine of the Trinity and make a practical use of it, without making any attempt to understand it, is brought for-

ward to prove that they did not hold it themselves. It is not pretended that Manton and Calamy did not acknowledge the deity of the Saviour; and though the imputation is insinuated against Bennet the mutilated sentence from his book is the other way. The attack is made on Calamy in the last page but one of the Proofs, and on Bennet in a supplement, so as in each case to leave an abiding impression on the reader's mind, preparation having been made for it by representing Calamy a shuffler, and more than once referring to Bennet as notoriously heretical. The passages in Baxter as to the creed were too tempting not to be risked once, but after what he understood that formula to contain had been shewn by Mr Joshua Wilson, they should not have been copied from the pamphlets into the Proofs. The strange mistakes as to the opinions of Howe, Shower, and Matthew Henry had also been so fully exhibited that the passages from their writings should not have been reproduced. One cannot help enquiring how they could ever have been so misunderstood as to be quoted at first, and it requires no little effort to check a feeling of resentment at the final efforts to influence the tribunals and legislature by them. The misstatement noticed before, of the effect of the quotations mentioned p. 70, for which there is no pretence whatever, induces the surmise that it was supposed that in such a matter if authorities of obscure meaning were paraded, assent might be won to any interpretation with which they were accompanied, if stated with sufficient confidence. In some instances, as those of Bury and Brooks, want of sympathy with the sentiments expressed may have prevented it being seen how thoroughly evangelical they were. Bennet's loose way of writing, on the other hand, appeared so congenial to the authors of the Proofs that they could not think him other than themselves, and mistook his resistance to the imposition of the human definition for rejection of the revealed truth. The expressions used by Baxter with regard to the Scriptures, pp. 145, 74, if they were understood, should not have been brought forward to prove that he held latitudinarian views; and it was unworthy to quote his illustration of the Trinity, p. 68, for the purpose intended. Dr. Owen's remarks on the phraseology of Baxter's Worcestershire Confession of Faith, (in pp. 6 and 7 of his "Vindication of himself, from the animadversions of Richard Baxter"), should not have been mentioned, as they are, (p. 68) without reference to the Doctor's application to him in 1668, as to the best methods of excluding Socinians from



the churches. It is worthy of remark that Independent and not Presbyterian churches were those as to which the anxiety arose. Defective acquaintance with Baxter's writings cannot be successfully urged in excuse of the false impression produced by the quotations from them in the Proofs, since seven or eight different works are there quoted. Besides, the passages have so little bearing on the subject, that they should not have been cited unless it was known that the long series of his volumes did not contain express statements to the contrary opinions. It is difficult to read the account of the Neonomian controversy and the Salters' Hall Assembly, and recognize the candour which Socinian writers used to praise as if it was the cardinal virtue of the theologian. The treatment which the distinguished men who have been named receive in the Proofs, the imputation there cast on the whole body of the non-subscribers, and the uses there made of the writings of all of them, tend to show that the firm maintenance of opinions which conscience recommends, whatever temporary reproach may follow, is the only method of securing permanent reputation, and that those who make concessions to error or its followers cannot be sure even of respectful mention by them.

The manner in which Episcopalian writers are spoken of at pp. 68, 69, 80, and 134, is not fair. It is not a proof of heterodoxy that in such summaries of religion as are given from Sir Matthew Hale, p. 147, Bishop Gibson, Dr. Birch, and Baxter, p. 131, explicit reference should not be made to the Trinity and the Atonement. The method of argument which brings forward such passages, and makes such comments upon them, produces upon competent readers an effect the opposite of that intended. The quotations in p. 135 from Bishop Butler and Archbishop Magee should not have been put on a level with that from Professor Hey. The last author is more fairly placed, as at pp. 80 and 178, in company with Bishop Watson.

The reader must have felt great difficulty in detecting the exact meaning of every part of the Proofs, especially of the section intended to shew the liberal sentiments of the Presbyterians between 1689 and 1709. Free enquiry, liberality, a comprehensive spirit, or similar words or phrases, are used as applicable, indiscriminately, to cases of mere indifference to truth, and any degree of heterodoxy, from an acknowledgment of Christianity but just removed from Deism to the highest Arianism. Orthodoxy

is never mentioned without some qualifying epithet, such as "moderate" or "subdued," (a disgraceful word in a grave discussion) or as held "in some form or other," or "in one of its many forms." An Arian or Sabellian Trinity is spoken of, Arians and Unitarians are mentioned as having held the doctrine of the atonement, and it is even stated that, when what is really believed is understood, there is no great difference between Trinitarianism and Unitarianism. Either ambiguous words\* are used, or doctrines are spoken of as if uncertain in themselves, and only nominally the same in different minds. The most mysterious of them, the Trinity and the Atonement, are constantly referred to, while the deity of the Saviour, the real matter in question in both, and that most easily apprehended, is never once alluded to. The irrelevant quotations before complained of, and the vague comments upon them, carry on the process of obscuring the subject. This effect is increased by founding statements, as to facts as well as opinions, upon inferential reasonings; by repeating assertions of other writers without expressing belief in them; and by loading clear and positive allegations with qualifications almost destructive of their meaning, or their applicability to the matter in hand. Opinions are not imputed, but tendencies which cannot be disproved. It is not said that a writer held such and such opinions, but that he was charged (whether justly or not, is not intimated) with such a heresy. The use by the authors quoted of old words with new meanings, or with no meaning, is taken for granted. The effect of the whole, quotations, statements, and reasonings is to surround every object with a haze, and to envelope the reader's mind in a fog. This result is abundantly sufficient, since the object is to produce the impression that the Presbyterians were waiting, in a state of non-belief, until free enquiry should produce demonstrable truth; for a notion so unreasonable and unintelligible is not to be arrived at otherwise than in bewilderment and confusion of mind. If however

\* In the language of the Proofs "Unitarian" and "Anti-Trinitarian" comprehend all shades of opinions short of the strictest Athanasianism. The words "Trinity" and "Trinitarian" do not represent any definite notion, it is shewn they may be used in an Arian sense; in the Irish cases "Arian Trinitarians" was a common phrase; and at last the expression "Socinian Trinitarians" was ventured on, but this was too much to be endured. "Presbyterian" does not refer to the orders of the ministry or discipline, it is merely equivalent to "adiaphorist." "Creed" is used at one time for a doctrine or a body of doctrines, at other times for the formula expressing such doctrine or doctrines. "Barterian" is treated as merely synonymous with Arminian. "Calvinism" seems always to include the doctrine of Reprobation.

the reader of the Proofs is not induced to think that English Presbyterianism was the inanity which it was necessary for the appellants to prove it, their only effect is to produce an inextinguishable resentment of the attempt to beguile into such an absurdity. To the compilation of such a document two persons were necessary; as a matter of course, a controversial divine\* found the necessary theological quotations and the vague arguments necessary to press them into the service; but this the real case in the appeal, though not the formal one, could not be trusted to the resources of the theological polemic, however subtle. To settle such a document tasked the skill and caution of an equity draughtsman who had devoted many a year to the evil art of framing an answer, upon the most stringent interrogatories, so as not to make a single admission which could do a plaintiff any good, and yet leave him hopeless of success, whether he took exceptions to its sufficiency, or attempted to assign perjury on any of its allegations. The defendants had beyond doubt the advantage of the services of the counsel who had drawn the answers in the suit, with such skilful evasion of the

\* The authorship of the Proofs (subject to the precautionary corrections of the counsel) may be safely ascribed to the Rev. Joseph Hunter, a native of Sheffield, the son of the Socinian minister of that place, and himself for some years minister of the chapel of that denomination at Bath, but ultimately engaged in the British Museum and for the Record Commission. He had published several historical, antiquarian, and critical works of great value, and so brought to his advocacy of the Hewley trustees a mind accustomed to research and practised in composition, and in addition he had a hearty good will for the cause, and a thorough acquaintance with the history of his body. According to the memoir of him in the *Gentleman's Magazine*, the suit was the chief object of his attention for some years. He commenced his labours in 1834, as soon as the Vice Chancellor's judgment occasioned alarm, by a pamphlet bearing the singularly infelicitous title of "An historical defence of the Trustees of Lady Hewley's foundations, and of the claims upon them of the Presbyterian Ministry of England;" in 1839 he prepared the "Historical Proofs and Illustrations," for the hearing in the Lords; and in the early part of the year (1842) that the decision was given by them he sent forth "The Rise of the Old Dissent, exemplified in the life of Oliver Heywood, one of the founders of the Presbyterian congregations in the county of York, 1630-1702." This last work, as regards the mere outside of nonconformity, is a very instructive and interesting book, but Mr Heywood himself would have thought it the caput mortuum of the story of his life, a mere record of names, dates, and places, while all the spirit had been driven off to waste with as much care as a man of congenial mind would have taken to preserve it. The old confessor would have been better pleased if there had been no other account of his sayings and doings than the one which the Rev. Richard Slate prefixed to the collective edition of his works. It would be very wrong to deny Mr Hunter's volume the praise of intending to give a faithful representation of what he undertook to describe, but his own views are so alien to Mr Heywood's thoughts, that he cannot do them justice; and his opinions as to all matters at issue between the Establishment and Nonconformists are so faint and faltering that his censures read like justifications, and his eulogies like apologies. His most decided views are in

plainest questions as to Unitarian belief, that it was impossible to extract any idea from them. The most important passages of these compositions (which also show the joint labours of the divine and the lawyer) will be submitted to the reader; they will strike him in many ways, and they will throw considerable light upon the phraseology of the Proofs. It must be particularly noticed that it was in pamphlets, not in any document prepared for the courts, that information was given what a Unitarian was. The reserve which was maintained in all the cases as to the doctrines of Unitarianism is one of the most remarkable facts in the whole matter. It could not have arisen from a belief that the defendants were in danger of being prosecuted for heresy at common law. There must have been a conviction that an open avowal of their opinions would have been fatal to their interests.

It must be borne in mind that the Proofs were compiled in the ninth year of the litigation; after the ablest writers on the Socinian side of the question had joined in the controversy, and had submitted to the judgment of the denomination each his quota of theological, critical, historical, and legal research; after every heterodox minister in the three kingdoms had for five

opposition to the cardinal tenets of the Puritans, as at pp. 11 and 340. His only reason for believing that Socinianism is true seems to be that his ever changing party had remained constant in the belief of it for forty years. If he had lived till the present day he would have seen his denomination avowing a disbelief of miracles so entire as to reduce their system to mere deism. His timidity in assertion no doubt produced a great deal of that which at first sight appears disingenuous in the Proofs. The very remarkable style of composition to be found there may not have been resorted to on request or even intentionally, but its eminently serviceable peculiarities having evidently been carried to the greatest perfection by another hand (the phraseology could not otherwise be so stiff and unidiomatic) they demand the notice which has been taken of them here.

Mr Hunter's volume, notwithstanding the defects pointed out, and though published on the same side of the question as the Proofs, furnishes a complete answer to the reasonings contained in them. Mr Heywood's life commenced three years before Lady Hewley's, and ended seven years before it, and the years by which she survived him did not produce any incidents which could have modified her opinions, as might, however improbably, have been suggested had she survived the next decade. They lived in the same county, were attached to each other, and to a great extent had the same friends, so that they may well be supposed to have had the same amount of information as to matters respecting their common denomination and religion generally. Mr Heywood deploras the departure by Matthew Smith, in whose ordination he had taken part, from the old opinion as to the Imputation of Christ's Righteousness; and he notices the new way of preaching of Barrow, Smith, and Tillotson; but he shews no apprehension of Arianism or Socinianism, which he certainly would have done had he perceived any danger of it, since he expressed so much concern when a point of Calvinism was called in question. All the statements with regard to the first Presbyterians submitted to the reader's judgment in the present volume will be found confirmed in Mr Hunter's, if not directly, by necessary inference.

has been roused, by every feeling of his nature, to assist the common cause by contributing any passage approaching latitudinarianism written by a Presbyterian author, within the twenty years in question; after Mr Joshua Wilson had shewn that almost every author quoted in their pamphlets was a witness against them; after every weak or dark part of the case had been discovered in the course of three hearings; that they were prepared not only for the convenience of counsel, but to gain the ear of the Judges in the court of last resort, to whom, in fact, expressions here and there are undisguisedly addressed: that though they were unsuccessful there, yet when a bill was brought into Parliament to do away with the effect of the decisions by ex post facto legislation, it was not thought necessary to add to or correct them in any particular. We may then reasonably consider the Proofs as saying all that was to be said on the Socinian side, and saying it in the best manner. They were widely circulated among members of both Houses, and it was from the sale of a copy among the books of Lord Macaulay that the writer of these pages became aware that there had been such a publication. They were not seen by the relators or their advisors until passages were read from them in the House of Lords, and being then treated as a printed brief, could not be asked for or procured. Mr Joshua Wilson in one tract alludes to it, so that he must have seen a copy. They were most used when the Suits for Dissenters' Chapels Bill was in Parliament.

The following sentences from the defendant's case on the appeal give a condensed statement of the Socinians' argument.

"At the time of the foundation of the charity, the body of Protestant Nonconformists in England was divided, and it has ever since continued to be divided, into three principal sections, commonly called the Three Denominations, viz., the Presbyterians, the Independents or Congregationalists, and the Baptists.

"The terms Presbyterian and Independent, in their original signification, appear to have been expressive merely of different views of discipline and church government; and prior to the Restoration, there does not appear to have been any considerable difference of opinion among the members of these denominations on doctrinal points. Soon after the Restoration, differences of doctrinal opinion gradually sprang up between the two sects, which, after the passing of the Toleration Act, became wider and more marked, and soon after ended in a total separation of the two bodies. The Independents adhered to the doc-

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trines which may be expressed generally by the term Calvinism, whilst the Presbyterians passed to those denoted by the term Arminianism.

"The theological history of the latter portion of the 17th century is full of the doctrinal controversies prevailing between those two sects, which were carried on with no small degree of animosity and heat ; most (if not all) of the other differences between these bodies having then ceased to exist. It appears that in the year 1691, an attempt at a reconciliation between the two sects was made by some of the leading and more moderate members of the two denominations ; and what was called 'The Happy Union' was set on foot ; and a joint board of the two denominations was constituted in London, which board had the management of a fund raised for assisting Nonconformist preachers. The Happy Union, however, endured only three years, and in 1694 a final separation of the two bodies took place, and separate boards were established, which have ever since subsisted.

"The English Presbyterians of the date of the foundation of the Charity, besides having deviated from the strict orthodoxy of their predecessors in name, were, in character and principle, entirely changed from the Presbyterians of the reign of Charles the First and the Commonwealth. They retained of their predecessors little but the name. From being, perhaps, the most intolerant of religionists, they had become, beyond question, the most tolerant. They had gradually abandoned, and had become the most determined opponents of, the practice of subscription to articles or systems of faith. They refused subscription except to the Scriptures. They framed their catechisms in scriptural expressions. They asserted the duty of free inquiry into the Scriptures and the right of private judgment in all doctrinal points, without any restriction. They adopted the practice of open communion, or admission to the communion table and membership, without requiring a confession of faith. To receive the Scriptures as the word of God, to endeavour to find the true sense of it, and to act according to it, was all that was required. The celebrated Dr. Calamy, an eminent Presbyterian Divine, and a personal friend of Lady Hewley, assigns this freedom, which he found existing in the nonconforming body, as the reason why he chose to exercise its ministry among them rather than in the Church. The Dissenting Ministers in and about London (of whom the greater part were Presbyterians) met together at Salters' Hall, London, 1719, (upon an occasion which will be hereafter adverted to,) for the purpose of determining what advice should be given to the Dissenters of Exeter, amongst whom Arian opinions has been manifested, and had led to heats and dissensions, when it was proposed that the Paper of Advice should be accompanied by a declaration of their own faith in the Trinity as exhibited in the First Article of the Church of England.



The proposition was rejected by the majority ; they would have no declaration of faith, except in terms of the Scripture. This decision rested on no temporary or newly-formed principles or scheme of opinion. The experience of those who adopted it, and the formation of their opinions, extended over the period in which Lady Hewley had lived. They thus solemnly recorded that the principles of freedom of inquiry, and of objection to every sort of doctrinal creed or restriction, which had been gradually developed among them for many preceding years, extended to what might be considered the extreme case of a doctrine so important as that of the Trinity, and their decision must be taken as an authoritative exposition of the views which their experience, extending in many cases back into the preceding century, had cherished and matured.

“The consequence of acting upon these principles was, that great latitude of opinion prevailed amongst the persons calling themselves Presbyterians, without any means of ascertaining to what extent it prevailed, or of checking its further spread ; and the result was, (and that in no long interval,) a still wider departure from the opinions originally held by them in common with the other Dissenters from the Church of England. From Arminianism (which their opponents even then sometimes charged as ‘Socinianized Arminianism’) they, in numerous instances, passed into Arianism, and from Arianism into what is now generally styled Unitarianism ; and this is now almost universally the doctrine of the existing congregations founded by the Presbyterians of Lady Hewley’s time, except where their chapels have connected themselves (as has sometimes happened) with the Calvinistic Presbyterian Churches of Scotland, or have passed into the hands of the Independents or other sects, as has also not unfrequently been the case. The body of English Presbyterians has however retained its identity and its name ; and though holding and professing, in the case of the great majority of its members, Unitarian opinions, has been always treated and considered, and on public occasions recognised, as one of the three denominations of Protestant Dissenters from the Church of England.

“When the change from Arminianism to Arianism, or from Arianism to Unitarianism, took place in the several Presbyterian congregations, it is, in most instances, impossible to ascertain with accuracy. In almost all cases it took place silently and gradually, and without any interruption of the harmony of the congregation. The difficulty of ascertaining the period of the change is much increased by this circumstance, that, as the preaching of Anti-Trinitarian doctrine was at that time unlawful, the change was not, except in a very few instances, marked by the open preaching of Anti-Trinitarian doctrine, but rather by the Presbyterian ministers gradually abstaining from preaching Trinitarian doctrine, and

directing their preaching rather to the enforcing of the practical duties of Christianity than the discussion of controverted points of doctrine. That this was the character of their preaching is capable of proof ; and also that it was a common topic of reproach to them, very early in the 18th century, that they refused openly to avow their opinions, and that, tacitly at least, they encouraged the Arian heresy. . . .

“Although the change to Arianism in many of the Presbyterian congregations deriving assistance from the charity took place at a very early period after the death of Lady Hewley, if not during her lifetime, it does not appear that the trustees, in any instance, withdrew the bounty previously enjoyed by the minister of the congregation which had become Arian. Indeed it may fairly be questioned whether, having regard to the direction contained in the trust deeds, that the charitable dispositions existing at the death of Lady Hewley should be continued until the trustees should see just reason to discontinue them, the trustees would have been justified in withdrawing stipends from the duly constituted ministers of congregations in the enjoyment of stipends in Lady Hewley's lifetime, simply on the ground of a change of opinion in the congregation on some doctrinal point. However this may be, the stipends were in all cases continued, notwithstanding changes of doctrinal opinion in the congregation ; and they have been continued by the subsequent trustees down to the filing of the present information ; the present trustees not only feeling themselves justified in treading in the path of their predecessors, but, being advised that the ample discretion vested in them by the foundress extended to all regularly constituted Dissenting ministers, (being in other respects fit objects of the charity) : and in this manner it has come to pass, that although a very large proportion of the stipends given by the trustees, at the time of the institution of the present suit, were given to Dissenting ministers of different denominations holding Trinitarian opinions, yet a considerable number of such stipends were also enjoyed by ministers professing what are commonly called Unitarian opinions. This is the principal grievance complained of in the suit.”

The historical argument of the appellants was directed to the following points :

“First. To show that the principles and character of the English Presbyterians of Lady Hewley's time were such as they have in a former part of this case been described to be. And they contended that it would be inconsistent with the principles of a member of that sect, to require that her beneficiaries should, through all future time, adhere to any given view or system of Christian doctrine, to the exclusion of further inquiry into the Scriptures. It was not contended that the English Presbyterians of that period looked with indifference on opposite

views of Christian truth, or that they did not embrace and adhere to their own views with as much warmth and sincerity as other classes of Christians; but what was contended was, that they refused to guard their own views, even on points the most cherished, and which were by themselves deemed the most fundamental, by subscription to articles or systems of Christian doctrines; a proceeding which they considered an infringement of Christian liberty. They were satisfied that their views were consistent with Christian truth, and that the truth would bear the test of inquiry; and they preferred to encounter the risk of that inquiry issuing in error, to guarding the truth by what they deemed a violation of the principle of religious liberty. In this spirit they founded their chapels, scrupulously abstaining from prescribing the system of Christian doctrines or the form of Christian worship to which the chapel was to be, from time to time, devoted by the congregation for the time being. The consequences of acting upon this principle and pursuing this course of conduct have since become known to the world. Whether, if the Presbyterians of that age could have foreseen these consequences, in all their extent, they might have been led to question the soundness of their principle, and to alter their course of conduct, can now only be matter of conjecture. What the appellants contended was, that the principle was such as has been stated, and that the English Presbyterians of that period advisedly acted on it.

“Second. To show that the allegation in the Information, that at the foundation of the charity all classes of Dissenters were agreed on questions of doctrine, and differed only on questions of church government, (whence, if true, it might be inferred that the expression ‘preaching Christ’s Holy Gospel’ had, at that time, a definite meaning with regard to doctrine, and that though designing to promote the spread of specific doctrines, it was not necessary to prescribe them) was not true; and that on the contrary, there was a wide diversity of opinion on points of doctrine between the different sects, and especially between the sect of Presbyterians and the sect of Independents, and much controversy and animosity existing between those sects on points of doctrine.

“Third. To show (which they did by numerous contemporary publications) not only that Arian and Unitarian doctrines were a subject of much controversy at that period, but that writers of great learning and reputation (among others, Locke in his Reasonableness of Christianity and his controversial writings) propounded views of Christian doctrine which, though not assuming the name of Unitarianism, were little, if at all, distinguishable from the doctrines now commonly so called; so that it was impossible that it should not have occurred to the framer of the deeds, that preachers adopting those views might, in course of time, be in a position to participate in the charity, if framed in terms so compre-

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The substance of the information, which was prepared from a mere general notion of the contents of the trust deeds, was that the chapel and trust premises were intended for Trinitarian worship, and were so occupied till Mr Griffiths was chosen minister by a minority of trustees.

That Benjamin Mander was the only legal trustee, as he had never consented to any nomination of trustees subsequent to his own appointment.

That Steward was duly appointed minister.

That defendants were Unitarians, and that they had endeavoured to exclude Steward from possession.

That defendants pretended that a Mr Grey had been chosen minister in Steward's place.

The prayer was for an account of the trust funds and a declaration that the plaintiff Mander was entitled to the possession of the chapel, and the receipt of the annual income of the trust premises; that the defendants might deliver up all deeds to him, and pay any balance owing by them: that Steward might be quieted in his office and the occupation of the meeting-house, school-room, vestry, and dwelling-house; that new trustees might be appointed, and the defendants restrained from intermeddling with the trust estate.

The defendants answered (after setting out the trust deed and the appointments of new trustees, shewing an imperfection in the last appointment),

That the chapel was intended for the worship and service of God, and for the use of Protestant dissenters, without mention of Trinitarian or any other doctrine.

That they did not know whether the minister was a Trinitarian or not.

That Jameson was not chosen by a majority, and that Griffiths was so chosen; that Mander had ceased to frequent the chapel and was not to be considered a trustee.

That Steward was appointed for three years only.

That they did not know the intention of the founder was to promote the doctrine of the Trinity.

That defendants were not of exactly the same religious opinions, but although of different persuasions they all believed in the existence of God, and the propriety of worshipping and serving God, and insisted that the question as to their religious belief was irrelevant.

That the intention of the persons endowing the chapel was that it should be a meeting-house for the worship and service of God, and for the benefit of Protestant dissenters, without regard to any particular tenets.

That Steward had no authority to preach in the chapel.

That Grey had been duly chosen minister, and was a necessary party to the suit.

And that Mander ought to be decreed to convey the trust premises to the defendants.

Mr Pearson not only defended himself against this suit, but imitated Mr Manders's tactics by a cross proceeding in Chancery. He presented a petition under Sir Samuel Romilly's Act, to the Master of the Rolls, (Mr Mander's bill was marked for the Lord Chancellor), praying for a declaration that the chapel was founded for the promulgation of Unitarianism. But the Judge was Sir William Grant, who saw that this question could not be disposed of without a regular suit, and he dismissed the petition. This was a very clever attempt on Mr Pearson's part, the Judge would be anxious to stop the scandal of the litigation, and especially of the indictments and breaches of the peace; he would naturally be unwilling to enter into matters of dogma and church discipline; and he might well, in the summary way of proceeding upon petition, refuse to act upon an ambiguous deed against nearly forty years of the chapel, and to support a minister against all his congregation in a renunciation of the principles which he held at the time of his appointment. Some of these reasons did influence Sir Edward Sugden, as we shall see even in a very clear and very gross case.

Failing here Mr Pearson went back to the criminal law, trusting, as he well might, to get any bill found by a grand jury at an assize. He took his measures so well that his party had started for Stafford before Mr Mander was aware of his intentions. But he and his solicitor Mr Thompson were equal to the emergency. The necessary witnesses were mustered and despatched to Stafford with four horses to their carriage and, though they had only one stage to travel, they passed the other party on the road. They again managed to get their indictment returned a true bill, while Mr Pearson failed with his, and a second time found himself and not Mr Mander appearing as a traverser. The subjects of the indictments were violent acts reciprocated during the contest.

After this Mr Pearson offered never again to renew the war in the criminal courts on his part, if Mr Mander would abandon his indictments, and Mr Mander good-naturedly agreed to those terms.

The courts of Common Law still remained for Mr Pearson to try his fortune in, and he brought an action for four-fifths of the

legal estate vested in the trustees, that is for all the shares in it except Mr Mander's. This certainly was a very singular proceeding, as Mr Mander's fifth share would have prevented the other trustees from carrying out their purposes. Mr Mander then moved Lord Eldon in his suit for an injunction to stop this ejectment.

The Chancellor in his judgment used the following expressions :

"It is impossible to say that while the founders contemplated the eventual abrogation of the existing system of toleration they were, in fact, intending to create by that very deed a system which was at that time illegal, and which only three years before was excepted out of the Toleration Act, as a system unfit to be included in the toleration which was extended by it to all other modes of Protestant dissent. . . .

"This clause therefore seems to afford extremely strong countenance to the allegation, that the institution was not intended to be for the maintenance of those opinions which impugn the doctrine of the Trinity.

"What I have now to inquire is, whether the deed creating the trust does or does not upon the face of it, regard being had to that which the Toleration Act at the time of its execution permitted or forbade with respect to doctrine, bear a decided manifestation that the doctrines intended by that deed to be inculcated in this chapel were Trinitarian. If that were originally the case, and if any members of the trustees are now seeking to fasten on this institution the promulgation of doctrines contrary to those which it is thus manifest were intended by the founders, I apprehend that they are seeking to do that which they have no power to do, and which neither they nor all the other members of the congregation can call upon a single remaining trustee to effectuate. In this view of the case also, supposing even that at the time of the establishment of this institution it had been legal to impugn the doctrine of the Trinity, yet if the institution had been established for Trinitarian purposes it could not now be converted to uses which are Anti-Trinitarian. For (meaning however to speak with all due reverence on such a subject) to allow such a conversion would be to allow a trust for the benefit of A to be diverted to the benefit of B. . . .

"If a fund real or personal be given in such a way that the purpose be clearly expressed to be that of maintaining a society of Protestant Dissenters promoting no doctrines contrary to law, although such as may be at variance with the doctrines of the established religion, it is then the duty of this court to carry such a trust as that into execution, and to administer it according to the intent of the founders. . . .

"Where a body of Protestant Dissenters have established a trust

without any precise definition of the object or mode of worship, I know no means the court has of ascertaining it except by looking to what has passed, and thereby collecting what may by fair inference be presumed to have been the intention of the founders.

"Where then a charitable institution of this kind is founded, or say it were for a civil purpose, that we may the more temperately discuss the subject, I apprehend then that where a man gives his money to such an institution for a civil purpose, one of the duties of this court is, to take care that those who have the management of it shall apply it to no other purpose so long as it is capable of being applied according to the original intention; and if upon enquiry it shall be found that in this case the land was originally given, and the money originally subscribed for the purpose of forming an institution such as the Attorney-General in his information has alleged that this institution should be, then those who object to any change in the institution from its original purposes, are not guilty of departing from the institution, but are only doing their duty in endeavouring to prevent such a departure from the purposes of the institution in others; and if the allegation is that there has been such an alteration of sentiment on the part of the congregation, they certainly do throw great difficulties in the way of the courts carrying the trusts into execution in any manner whatever.

"I must here again advert to the principle which was I think settled in the case to which I referred the other day, as having come before the House of Lords on an appeal from Scotland, viz., that if any persons seeking the benefit of a trust for charitable purposes should incline to the adoption of a different system from that which was intended by the original donors and founders; and if others of those who are interested think proper to adhere to the original system, the leaning of the court must be to support those adhering to the original system, and not to sacrifice the original system to any change of sentiment in the persons seeking alteration, however commendable that proposed alteration may be."\*

\* The case referred to was that *Craigdallie v. Aikman*, 1813, 1 Dow.

A chapel was built at Perth for Mr Wilson, one of the four ministers with whom the secession originated, and the conveyance, dated 1737, was taken to the defendant and three other persons "for themselves and as trustees for and in the name of the whole subscribers and contributors to the building of a meeting-house for Mr William Wilson, minister of the Gospel in Perth, and the congregation who submits to his ministry, and in the name of the whole contributors, towards a stipend for the said Mr William Wilson in the said congregation, and to the successors of the aforesaid contributors who shall continue to contribute for the purpose before mentioned, and to the assignees of the managers and trustees who shall be chosen and appointed as such from time to time by a general meeting of the said contributors."

In 1745 the division into burghers and anti-burghers took place in reference to the oath of borough magistrates. The minister and a majority of the Perth congregation

The minutes of the order given out were, "The defendants and relators undertaking to obey the further order of the court, an injunction restraining any proceedings in the ejectment was granted. And the master was directed to inquire what was the nature and particular object, (with respect to worship and doctrine), for the observance, teaching and support of which each of the charitable funds or estates respectively was created and raised, distinguishing when and by whom the same were respectively created."

joined the anti-burghers and left the chapel in the hands of the burgher party, which included a majority of the original subscribers to the building of the chapel.

In 1795 a dispute arose among the burghers as to the power of the magistrate to punish heresy. The synod sanctioned what was considered new doctrine on this point, but they directed that a declaration should be prefixed to their formula, that they did not require an approbation of it in the sense which gave offence.

Mr Jarvis, the senior minister of the Perth congregation, and the majority of the original contributors, broke off from the synod. Mr Aikman, his colleague or assistant, with a majority of the congregation, adhered to the synod. The plaintiff founded the claim of himself and his congregation on the fact of their adhering to the decision of the synod, as possessing the legislative and judicial power in the denomination. The defendants asserted that the synod had departed from the principles of the body, and also set up a right in the original subscribers as individuals.

The cause came up from the Court of the Sheriff of Perth to the Court of Session, and the Lord Ordinary referred it to the whole court, and they by the smallest majority pronounced an interlocutor: "That the property of the subjects in question is held in trust for a society of persons who contributed their money for purchasing the ground, and building repairing and upholding the house or houses thereof, under the name of the Associate Congregation of Perth; and so far repel the defences against the declarator at the instance of Matthew Davidson and others; and find the management must be in the majority in point of interest of the persons above described, and before further answer in the cause remit it to the Lord Ordinary to ascertain what persons are entitled to be upon the list of contributors aforesaid, and whether the majority aforesaid stand upon the one side or the other, and thereafter to do as his lordship shall seem just."

On a re-hearing the judges were, in fact, equally divided, but as the Lord President had no vote unless the other judges were equally divided the decision was against his opinion, and the interlocutor found "That the property of the subjects in question was held in trust for a society of persons who contributed their money either by specific subscriptions or by contribution at the church doors for purchasing the ground, and building, repairing, and upholding the house or houses thereon, or for paying off the debt contracted for these purposes, such persons always by them, or along with others joining with them, forming a congregation of Christians continuing in communion with, and subject to the ecclesiastical discipline of a body of Dissenting Protestants calling themselves the Associate Presbytery and Synod of Burgher Seceders.

From this interlocutor there was an appeal. Sir Samuel Romilly and Mr Grant for the respondents urged that obedience to the synod must be enforced, and that a permanent institution was intended. Mr Adam and Mr Horner for the appellants argued that the property belonged to a temporal society, consisting of the contributors, apart from the congregation, and that if a permanent ecclesiastical body could be created in this way, the system of the seceders would be established.

Lord Eldon said, Upon the first interlocutor, it would be difficult to find out after the lapse of nearly a century, from 1733 to 1806, when this cause was decided in the court below, who were the persons who originally advanced their money; with this additional difficulty in the second interlocutor, that the contributions at the church doors and

This order was not drawn up.

The judgment was a very favourable specimen of those which proceeded from Lord Eldon; he spoke at the conclusion of the argument at considerable length, but reserved his decision, though when it came, evidently nothing new had occurred to him. He read over all the deeds and acts of parliament which he referred to; he quoted his own decision in the House of Lords as if he

subscriptions had been going on through the whole of the period mentioned, the contributors saying nothing [in the deed] about heirs or representatives.

Suppose the whole of the contributors or congregation had altered their opinions, could the synod have altered the property? The only answer of the Judges to this was that when that question arose they would dispose of it, but he was afraid it must be disposed of now, as it seemed to be involved in the principle of their decision. Suppose the contributors or congregation were equally divided, how could those interlocutors be applied in that case? The very principle of majority was then gone. Suppose ninety-nine hundredths had altered their opinions in respect to adherence to this synod, would they by this means have forfeited not only their right to form a part of the congregation, but also their property? He should therefore respectfully submit to the Judges below to renew their opinions, not merely as to the principle of their decision, but also as to the practicability of applying their own interlocutors.

\* \* When it was considered that this society had been formed in 1733 and subscriptions soon after entered into for purchasing the ground and building the house; when it was considered that the contributions had been going on quarterly for nearly a century, and applied through the whole of the space of time to repairs and the payment of debts connected with this property contracted forty or fifty years ago; he would ask again who were the persons entitled under these interlocutors, who were the majority of them who were to direct the use of this property? . . . . . But if the Judges still adhered to the principle it was this principle: that because in 1737 a society then agreeing in their religious opinions adhered to a presbytery or synod then holding the same opinions with themselves, the property belonging to that society should be held in trust, not for those who adhered to their original principles, but in trust for those who adhered indeed to the synod, but who did not adhere to their original principles; that was a proposition very difficult to be maintained in law. . . . . It was true that the court could not take any religious opinions with a view to decide whether they were right or wrong, but it might notice them as facts pointing out the ownership of property.

With respect to the doctrine of the English law on this subject, if property was given in trust for A B C etc. forming a congregation for religious worship; if the instrument provided for the case of a schism, then the court would act upon it; but if there was no such provision in the instrument, and the congregation happened to divide, he did not find that the law of England would execute the trust for a religious society at the expense of a forfeiture of their property by the cestuis que trusts for adhering to the opinions and principles in which the congregation had originally united. He found no case which authorized him to say that the court would enforce such a trust not for those who adhered to the original principles of the society, but merely with reference to the majority. . . . . If it were distinctly intended that the synod should direct the use of the property that ought to have been a matter of contract, and then the court might act upon it, but there must be evidence of such a contract, and here he could find none.

Lord Eldon afterwards referred to this decision in the case of *Foley v. Winter*, 1820, 2, Jacob and Walker, 247. "I take it to be now settled by a case in the House of Lords on appeal from Scotland that the chapel must remain devoted to the doctrines originally agreed on."

had had nothing to do with it; and what he said on both occasions occupied twenty-three octavo pages, when it might all have been put in three at the outside. Yet he had the advantage of Sir William Grant's example at the time. The true principle is clearly indicated, but it is overlaid with words. The expression of his doubt what the court could do with a chapel if no doctrine was indicated in the trust deed, and his intimation that in such a case it would be guided by the practice of the congregation, encouraged the defence in the succeeding cases. But it should be noticed that the word Presbyterian did not occur in the deed before him; if it had he would have made short work of the matter, and we should have been spared all litigation where such an expression occurred. He most characteristically threw out as his doubt, but it clearly was firmly settled in his mind as a principle, that the doctrine of the Trinity was incorporated into the Common Law. Though all the Judges in our day declared they could find no authority for the notion, it was completely in accordance with his theory of law and religion.

One part of his order should be noticed to his high praise: he directed an enquiry which would have cut short the proceedings, while it would have done complete justice. He acknowledged the importance of the case, and the necessity for deciding it at small expense, and allowed of no delay, taking three days only for consideration.

He showed his opinion on several points. He read the deeds of the endowment as well as of the chapel, as if one threw light on the other; and he directed an enquiry as to the times of the various endowments, as if they should be severed if justice so required, and he evidently thought the founders' opinions material.

The leading counsel for the relators was Sir Samuel Romilly, who, notwithstanding his opinions were supposed to be with the defendants, urged the strongest arguments against them. The defendants had the services of the Solicitor-General, Sir Robert Gifford, who had been brought up among Presbyterians.

In 1819 Benjamin Mander died, and the suit was revived against his son and heir, Charles Mander. The cause was heard in 1822, and a decree made directing the same enquiries as the order in the motion for injunction.

This decree also was not drawn up.

After 1817 no attempt was made to disturb Mr Steward in his possession of the chapel, though the income of the endowment



was withheld from him, but he resigned in 1827. Charles Mander then paid Mr Steward his arrears of stipend, procured another minister to officiate, and repaired the chapel, and as Mr Charles Mander was a Baptist, the congregation was a baptist one. The Socinians seceded and built another chapel.

In 1832, after the Attorney-General's information respecting the Hewley charity had been filed two years, a supplemental information by the Attorney-General on the information of Charles Mander, and bill by Charles Mander was filed praying that it might be declared that the trust property ought not to be applied in support of the doctrine of any sect of Dissenters who denied the Trinity, and that the defendants might be declared not properly appointed or might be removed, that the benefit of the former suit might be enjoyed under the new one, and the necessary accounts might be taken that Mr Mander might be repaid the monies which he had expended in repairs, etc.

The necessity for these new proceedings lay in the circumstance that the former information had been framed exclusively with a view to Mr Steward's case, so that no general decree, as to the chapel and endowment, could be made under it; and this might be the reason that the decree was not drawn up.

"The prayer of the new bill was for a declaration that the trust property ought not to be applied to the support of the doctrine of any Dissenters who denied the Trinity or professed any opinions which at the erection of the meeting-house could not be lawfully taught, and that the defendants should be removed from being trustees, and proper persons appointed trustees, and that Mr Mander should be repaid his outlay.

"The answer in substance stated that it was impossible to say what were the particular religious opinions of the persons by whom and for whose use the meeting-house was erected, but according to the best of defendants' information and belief it was erected by voluntary contributions of a number of Protestant Dissenters, resident at Wolverhampton, of various shades of opinion, but who agreed in the principle of dissent from the Church of England, and proposed to assemble at the meeting-house for the worship and service of God.

"That according to the best of their judgment and belief, and so far as they had any historical information on the subject, the original congregation was composed of the descendants of the Independents, Presbyterians, and other Nonconformists of the preceding age, and of persons newly dissenting from the Church of England.

"That so far as they had any recollection, or had been informed by persons then deceased, the meeting-house had always gone by the name of the Presbyterian meeting-house at Wolverhampton, and they believed that the bulk of the congregation originally, and from time to time since, had consisted of English Presbyterians and not Calvinists.

"That the original deeds did not prescribe any stated set of opinions or doctrines to be taught in the meeting-house, and that to prescribe such would have been inconsistent with the principle of dissent then and ever since acted upon in England, for the great principle upon which the Protestant Dissenters founded their separation from the Church of England was the sufficiency of the Holy Scriptures as the rule of faith and practice, and the right of private and uncontrolled judgment in the interpretation of the Scriptures, and the settlement of their worship and services, and therefore the meeting-house was not erected as a place of worship for Protestant Dissenters entertaining any stated set of opinions in particular, but was designed for the use of the congregation then formed and such Protestant Dissenters resident in Wolverhampton as should resort to the meeting-house and be received into the congregation for the worship and service of Almighty God according to the pure doctrines of Christianity as revealed in the New Testament.

"That the rule and practice of the congregation had always been (and they believed it was the general rule and practice of dissenting congregations in England) that the affairs of the congregation, whether relating to faith, worship, or discipline, should from time to time be regulated and determined by the congregation for the time being, leaving it to such individual members of the congregation as differed from the views of the majority to withdraw from the congregation and unite themselves to other congregations entertaining opinions more in unison with their own, and that they believed such rule and practice was in accordance with the views and intentions of the original founders of the meeting-house and congregation.

"That save as before mentioned, they could not set forth whether the meeting-house was originally built by Protestant Dissenters professing a belief in the Trinity, nor whether for many years such belief was professed by the subscribers to and congregation assembling in the meeting-house, but they believed that the doctrine of the Trinity as contained in the articles of the Church of England was not impugned by the congregation, and that in worship and preaching they complied with the requisitions of the law from time to time existing.

"That they were advised that the worship and service of God by Protestant Dissenters without any reference to a Trinity of persons had been at all times lawful since the foundation of the meeting-house, and they denied that the funds and endowments were by the trusts thereof

declared, or by the intentions of the donors as far as the defendants knew or believed, directed to be expended in promoting a belief of the doctrine of the Trinity, but on the contrary were expressed and intended to be for promoting the worship and service of God without any mention of the form of devotion to be observed or of the particular doctrine to be taught.

"That it might be true the funds and endowments were for many years laid out in promoting a belief in the doctrine of the Trinity, and that the ministers were Trinitarians, but that the funds and endowments were not by the deeds required to be so laid out, and if the same had been so done it was in compliance with the sentiments and wishes of the majority of the congregation for the time being.

"That they had no recollection of the doctrine of the Trinity being taught in the meeting-house.

"That for many years prior to 1782 Mr Cole was the minister of the meeting-house and the defendants were then members of the congregation, but neither he nor any of his successors preached that doctrine until Mr Steward, in 1816, on a change in his opinions, began to preach that and other doctrines at variance with the opinions of the congregation.

"That they could not set forth whether Mr Hill, one of the persons stated in the information to have made donations to the meeting-house, was a Calvinist, but at the time when he made the donations the doctrines of Calvin were not preached in the meeting-house, or entertained by the congregation.

"That the defendants were advised that there never was any law since the foundation of the meeting-house which rendered it illegal for Protestant Dissenters to celebrate the worship and service of God on Unitarian principles.

"That judging from what they knew of the religious history of those times they believed that many of the congregation from time to time attending the meeting-house from the foundation thereof entertained opinions similar to those entertained by Protestant Dissenters now called Unitarians.

"That whether such opinions and doctrines could or not be legally taught when the meeting-house was built, they might now be legally taught, and that such teaching, in case the congregation for the time being approved the same, was not inconsistent with the provisions of the original trust deed or with the intention of the founders of the congregation.

"That gradual changes of opinion both as to doctrine and modes of worship had from time to time taken place in the congregation as in all other dissenting congregations, but the congregation had from time to

time always continued the same, being composed of descendants of the original founders and of Protestant dissenters resident in Wolverhampton holding opinions in unison with the congregation for the time being, and had continued to act upon the same leading and fundamental principles upon which they were originally united together.

"That it was nowhere expressed in the trust deeds, nor could it have been intended by the founders, that the congregation should always hold the same opinions as the founders, of which there was in fact no record, but that they must have intended that the congregation should from time to time regulate amongst themselves all matters relating to faith, worship, and discipline, in conformity to the practice of other dissenting congregations, that it was not the intention of the founders to promote the belief of the Trinity any longer than it should be the belief of the congregation.

"They admitted that they did not believe in the Trinity but in the unity of God, and in the divinity of the mission but not of the person of our Saviour; that they believed the old and new Testament to contain the revealed will of God and received the same as the rule of their doctrine and practice, but that there was no defined set of doctrines which were universally received and acknowledged as the doctrines of Unitarianism.

"They insisted that the present suit was unnecessary, and the informant and plaintiff might have obtained any relief he was entitled to under the former proceedings, and submitted that the present proceedings must be dismissed with costs."

Evidence was given by Dr. Pye Smith and Dr. Bennett as to the doctrines of the Presbyterians of the time of Lady Hewley. The cause came on for hearing on the 20th and 27th February, 1835, before Sir Lancelot Shadwell who had been counsel for the relators in the former suit.

An objection was taken that Mr Steward was not a party, and the suit stood over. He was made a party and put in his answer, and then the cause was heard.

"The Vice Chancellor said, 'When, as in the present case, a gift is made or a trust created by certain persons of certain funds for the service and worship of Almighty God, the thing to be regarded is, What were the religious tenets in general of those persons? Because it would not be a just application of those trust funds if they were allowed to be employed for the sustentation of religious opinions which the donors themselves would have disavowed. . . . They meant no doubt that those opinions should be taught which they themselves entertained, but they objected to their being taught by means of a creed.

"My opinion therefore is that looking at what is not denied were the opinions of the Presbyterians at the time when this charity was founded (which was from 1701 to 1726) we may reasonably infer that they never could have meant that that particular doctrine should be taught in this chapel as part of the worship and service of God, which is attacked by the present information.

"The decree therefore ought to be so framed as to exclude those particular doctrines which this information complains of from being preached in the chapel. But I do not agree with the defendants' counsel that the deed ought to specify affirmatively all the doctrines that may be taught, that would be endless. . . . Those persons who avowedly maintain the opinions which according to the view of the court ought not to be preached in the chapel, ought not to be trustees of the chapel, for there is a manifest incongruity in having persons of one strong religious belief administering a trust created in favour of persons of another religious belief."

The costs were reserved, but it was understood that the defendants would have their costs out of the estate, on account of the long usage and the novelty of the case, if the estate was sufficient to pay their costs and the plaintiffs'.

The report will be found in *Simons* vii., 290.

There was an appeal to the Chancellor, and it was argued before Lord Cottenham in January, 1836.

Lord Cottenham at the conclusion of the reply said that as the *Hewley* charity case stood for judgment in the House of Lords he should postpone his decision. He gave his decision, after resigning the great seal on 16th November, 1842, in writing, in these words :

"Let the petition of Joseph Pearson and Joseph Baker [the appeal] be dismissed, and the decree of the Vice-Chancellor, Sir L. Shadwell, be affirmed. No costs.

"The judgment on this appeal was necessarily postponed until the case of *Lady Hewley*, the Attorney-General v. Shore, had been decided in the House of Lords.

"That decision governs the present. It is unnecessary to advert to any part of the evidence, the admissibility of which may be open to question, because the deeds in my opinion prove that the trust was created for the benefit of congregations professing doctrines tolerated by the existing laws, which the preaching of Unitarian doctrines was not, and the fact that Unitarian doctrines were at one time preached in the chapel, and that the appellants profess these doctrines, is proved or admitted ; and those points so established are I think sufficient to support

the decree. The account and enquiries directed are I think quite correct. That decree must therefore be affirmed, and the petition dismissed."

In February 1847 the Vice-Chancellor made his decree on further directions and exceptions to the Master's report; from this again there was an appeal by the executors of Pearson and Baker, two of the trustees who by this time were dead, having left executors as determined as themselves. At the hearing in July 1847, Lord Chancellor Cottenham directed further inquiries, and it was brought before him again, but in the following year he dismissed the appeal. On the case coming on again for further consideration, the chapel and all the land endowments were ordered to be sold, the money endowments brought into court, and the whole applied in payment of the costs of the relators and Mr Mander's outlay, but as a member of the congregation was willing to advance part of the amount on mortgage of the chapel, it was mortgaged for the unpaid balance, and not sold.

The counsel engaged were for the information in 1817, Sir Samuel Romilly, Mr Hart, Mr Shadwell, and Mr Ching; in 1835, Mr Knight, and Mr James Russell; in 1836, Sir William Horne, Mr Jacob, and Mr James Russell. For the defts. Sir R. Gifford, Solicitor-General, Mr Benyon, and Mr Phillimore in 1817; in 1835 and 1836, Mr Rolfe, Mr Booth, Mr Falconer: Mr Rolfe in the last year had become Sir R. M. Rolfe and Solicitor-General.

The motion for injunction before Lord Eldon is repeated in 3 Merivale 353, and the hearing before Sir L. Shadwell in 7 Simons 290. The argument before Lord Cottenham is published in a pamphlet, and the minute of his judgment is to be found at p. 59 of a volume published by the Socinian party under the title of *Parliamentary Debates on the Dissenters' Chapels Bill*, 7 & 8 Victoria ch. 45, A.D. 1844.

So the chapel remained a Presbyterian meeting-house, occupied by Baptists. But within the last three years the mortgage has been foreclosed. The congregation had dwindled away, other chapels arising under happier auspices, no one would buy the old meeting-house for its then occupants, and at last it was sold to members of the establishment and, under the patronage and in commemoration of St. Michael and All Angels, is now a chapel of ease to St. Peter's. This result may appear disgraceful to English law and the Court of Chancery, but in a case of the first im-

pression unlimited power of appeal must be allowed, the unsuccessful party paying his own costs, and the burden must fall upon the charity. In this case the defendants might consider themselves oppressed by having to combat two informations. It did not follow that the same ruin must be produced by all subsequent litigation since, when once the principle was established, defendants guilty of vexatiously defending proceedings would have been ordered to pay costs.

The suit of the Attorney-General v. Pearson was worth the price paid for it, as it led the way to the far greater one which has to be now detailed.

Dame Sarah Hewley was heiress of Robert Wolryche, Esq., a bencher of Gray's Inn, and widow of Sir John Hewley, who was knighted in 1663, and represented York in Parliament in 1676, and the next two years. She was born in 1627, was left a widow in 1697, and died in 1710. Her opinions may be ascertained from the expressions she gives at the commencement of her will, "having first committed my immortal soul into the hands of my Redeemer to be washed in his blood, and made meet to be partaker with the saints." Dr. Colton, her minister, concluded his funeral sermon for her with these words: "After all these she thought herself an unprofitable servant, and when any would have told her of some good work she had done she would sometimes answer with divine Mr Herbert, 'Yes, if it were sprinkled with the blood of Christ.'" She thought none had more need of the merits of a Saviour to justify and save. Her finishing and most ardent breathings were into his bosom: "Come Lord Jesus, come quickly," and they are now met never to part more. The loving Jesus and the humble believing soul are now met in eternal embraces. . . . There she sees and loves and adores her God and Saviour as she would." Sir John Hewley's will contains these words: "First committing my spirit to God who gave it, hoping to find mercy to me a sinner, and to be saved only by the merits and mediation of Jesus Christ, my alone Saviour and Redeemer." The commencement of Dr. Colton's will is stated at p. . . It is evident that these were all the expressions of the Testators, and not words of course copied by the solicitor from other wills.

It is said she sent her contribution to the Presbyterian board of London. Her great friend Richard Stretton, a Presbyterian minister in London, was a very zealous promoter of the Happy Union, in 1691, between the Presbyterians and Independents.

Lady Hewley by deed of 13th January, 1704, conveyed to Richard Stretton, of Hatton Garden, gentleman,\* Nathaniel Gould, of St. Mary Newington, Esq., Thomas Marriot, of Lincoln's Inn, Esq., John Bridges, and Thomas Nisbett, of London, merchants, Thomas Colton, of York, gentleman,\* and James Wyndlow, of Yarum, Yorkshire, gentleman, the manors of Killing-hall, and Braycroft, and Haya Park, then disparked, and lands in Killing-hall, Ripley, Sussacres, Brereton, and Knarborough, in the County of York, and assigned to them all her interest in the manor of West Ayton, Yorkshire, and in the tythes of corn and grain in West Ayton, and all messuages, land, tythes, woods, and tenements in West Ayton, wherein either in her own right, or as executrix of her husband, or as administratrix of her father Robert Woolrick otherwise Woolrych, Esq., she had any term of years Upon Trust that after her death the said trustees should, out of the rents of the trust estates, pay all expenses of reparation of the trust estate, or otherwise connected with the trust, and five pounds yearly to each of the trustees : and during the continuance of the said trust estates respectively, out of the clear and residuary rents, issues, and profits of the trust estate, as well pay and dispose of such sums of money, yearly or otherwise, to such and so many poor and godly Preachers, for the time being, of Christ's holy gospel, and to such poor and godly Widows, for the time being, of poor and godly Preachers of Christ's holy gospel, at such time or times, and for so long time or times, and according to such distributions, as the said trustees and managers for the time being, or any four or more of them, should think fit, And employ and dispose of such sums of money, and in such manner, for the encouraging or promoting of the preaching of Christ's holy gospel, in such poor places as the said trustees and managers, for the time being, or any four or more of them, should think fit ; as also employ and dispose of such sums of money, yearly or otherwise, as and for Exhibitions, for such or so long time or times, for or towards educating of such young men designed for the ministry of Christ's holy gospel, never exceeding five such young men at one and the same time, as the said trustees and managers for the time being, or any four or more of them, should approve and think fit ; And as to the surplus and remainder of the said clear and residuary rents, issues, and profits, that the said trustees should, from time to time, employ and dispose of the same in and for the relieving such godly Persons in Distress, being fit objects of Lady Hewley's and the trustees, and managers'

\* Anne was not yet dead, and it seems to have been considered unsafe to describe Mr Stretton and Dr. Colton as ministers, and no doubt that was also the reason for not more particularly defining the objects of the charity. All that could be done was to describe the ministers to be benefited by the most expressive word in the Puritan vocabulary. See also a provision in the deed of 1707, providing for interference by any authority of the State or Church with Lady Hewley's almshouse.



charity, as the said trustees and managers for the time being, or any four or more of them, should think fit. Nevertheless it was by the said deed provided and declared, that the said trustees and managers for the time being should, in their dispositions and distributions of the above-mentioned charity, have a primary and chief respect to such objects thereof, as aforesaid, as were then, or should be in York, Yorkshire, and other northern counties in this realm, not excluding those in other places and counties, as the said trustees and managers for the time being, or any four or more of them, from time to time, should think fit; and also, that whatsoever charitable dispositions or allowances by Lady Hewley should have been made to persons or places in York or Yorkshire, immediately or shortly before her death, should be continued and paid out of the said clear and residuary rents, issues, and profits of the premises, by the said trustees and managers for the time being, until they, or four of them at the least, should see just reason to discontinue, alter, or determine the same, or any of them, respectively.

That one of the trustees should yearly be appointed treasurer, and have a moderate allowance for a clerk, and keep proper books of accounts and minutes.

That the trustees should meet yearly at some certain time and place, and audit the accounts.

That from time to time, as and when one of the trustees for the time being should die, the survivors should elect, in the room of every such deceasing trustee, such a person as they in their judgments and consciences should think fit and approve, who should be a manager of the said trust estates, together and equally with the surviving trustees, and have equally with them the same authority, power, and benefit, respecting the trusts by the said indenture declared; and in case of the death of any such elected manager, that the trustees and managers should elect in the like manner, in his room, another like manager; and that the election of every such manager for the time being, should be entered and registered in some or one of the books to be so provided and kept as aforesaid; and that after such time as two or three at the most of the said trustees should have departed this life, the survivors of them should add to themselves, as co-trustees with them, all and every the manager and managers so elected as aforesaid, to make up the number of trustees completely seven in the whole; and the surviving trustees should thereupon, by the advice of counsel, convey all the trust estate to the said persons who for the time being should be such elected managers, and unto the surviving trustees, thereby to complete the number of seven trustees.

That reasonable notice of all meetings, in order to the transacting of any business or matters of any weight or moment relating to the said charities, should be given to the trustees and managers; and that the

judgment and concurrence therein of such of them who by remoteness of their dwellings or other excusable obstructions, might happen not to be always present at certain of such meetings, might be consulted and endeavoured by mutual correspondences and intercourses in writing.

And the said deed reserved a power to Lady Hewley, by any deed or writing attested by three or more witnesses, or by her last will so attested, to revoke or alter all or any of the uses, estates, and trusts, thereby limited or declared of or concerning the said premises or any part thereof, and thereby, or by other deed or writing, to limit or declare new or other uses or trusts thereof.

By deed of 26th April, 1707, Lady Hewley conveyed and assigned to the same trustees the hospital or almshouse, and certain lands in the City of York, or near the walls of the same city, and in Eston, in the county of York, upon trust (after her death) to permit the said almshouse or hospital to be for ever used and enjoyed as and for an hospital or habitation for poor people, in such manner as the same then was, or at the time of the death of Lady Hewley should be used or enjoyed, but subject to such orders, regulations, powers, provisoes, and appointments, as in the said deed mentioned concerning the same ; and upon trust (after the death of Lady Hewley) that the trustees and managers for the time being, should, out of the rents, issues, and profits of the residue of the said premises, pay and discharge all costs, charges, and expenses, which the said trustees for the time being and managers should be put to, or reasonably allow or expend, in or about the reparation of the said premises, or getting in or recovering the rents and profits thereof, or in providing catechisms for the poor for the time being of the said hospital or almshouse, or in defence, execution, or management of their trusts or trust estates ; and subject thereto, upon trust, that the said trustees for the time being and managers (after the death of Lady Hewley) should, by and out of the rents and profits of the said residue of the premises, raise yearly for ever the clear sum of £60, and distribute the same, to and for the only benefit, maintenance, and support of such poor people as Lady Hewley during her life had or should place, or which the trustees or managers for the time being, or any four or more of them, should from time to time place in the said hospital or almshouse, in such proportion, at such times, and to such uses and purposes as Lady Hewley had, or at any time during her life should appoint, in writing under her hand, or in any book or books, collection of rules, orders, directions, or articles, which then were, or thereafter should be made, collected, or appointed by Lady Hewley, or by the order signed by her proper hand, for the better ordering, choosing, and government of the said poor in the said almshouse ; and more particularly that such trustees and managers for the time being, or any four or more of them,

should from time to time (after the death of Lady Hewley) fill up and place, to the number of ten, poor persons, qualified according to such collection of rules and orders, in such hospital or almshouse, whereof nine were to be always poor widows or unmarried women, so long as they should continue such, being of the age each of them of fifty years or upwards, and the tenth person to be a sober, discreet, and pious poor man, who might be fit to pray daily twice a day (viz., every morning and evening) with the rest of the poor in the almshouse, if such man might conveniently be found, and in default thereof, the tenth to be a poor woman, qualified as the other nine; and also that the said trustees and managers for the time being should pay to each of the said ten poor persons ten shillings upon the first day of every almanack month in every year.

A power of appointing managers and trustees similar to that in the former deed is then inserted.

And upon further trust, that they, the said trustees and managers for the time being, should at all times after the death of Lady Hewley, observe and keep the rules, orders, and directions and trusts, in the deed of trust, and in the said collection, system, or book of rules, orders, and directions, subscribed with the proper hand of Lady Hewley, contained as carefully and exactly as possible might be; and that the said trustees and managers for the time being should, after the death of Lady Hewley, be from thenceforth, for ever, the only special visitors and governors of the said almshouse or hospital, and of all the poor persons therein, and that they, or any four or more of them, should have and use the sole power, from time to time, to govern, order, admit into, or expel or put forth of the said almshouse, all such poor persons as then were, or thereafter should be admitted into the same, yet pursuant always to the said rules, orders, directions, articles, or trusts, in the said book or collection subscribed as aforesaid, contained, for the better government of the same after the death of Lady Hewley. And upon further trust, that if any of them should be hindered, interrupted, or disturbed in their visitation, rule, or government of the said almshouse, or of the poor therein, by or from, or by reason of any civil, or ecclesiastical, or other lawful power or authority whatsoever, that then and so long as such hindrances, disturbance, or interruption should continue, the said trustees and managers for the time being should employ the said £60 settled, or intended to be settled, for the support of the same, to such other pious uses as Lady Hewley should appoint, by any writing signed by her in the presence of three or more witnesses, and in default of such appointment, then to employ the same to such or the like charitable uses, as in the said deed of trust were afterwards appointed, and were thereinafter expressed or referred to. And as for and concern-

ing the clear and residuary rents, issues, and profits of the said last-mentioned premises, which should be and remain over and above such part or parts of the rents, issues, and profits thereof, as were before mentioned, to be appointed to be so paid, distributed, and disposed as aforesaid upon the same or like trust touching the paying and disposing of sums of money, yearly or otherwise, to poor godly preachers of Christ's holy gospel, and to poor widows of poor and godly preachers of the said gospel, and for the encouraging and promoting the preaching of the said gospel in poor places ; and touching the disposing of sums of money, yearly or otherwise, for exhibitions for educating of young men for the ministry or preaching of the said gospel, never exceeding (sic) such young men at one time, and touching the disposing all the surplus of the same clear residuary rents, issues, and profits, in relieving godly persons in distress, with such proviso touching the having a primary regard, in the distribution of the last-mentioned charities to such objects thereof as should be in York, Yorkshire, and other northern counties in England ; and touching the continuance of the charitable allowance which should be made by the said Dame Sarah Hewley, shortly before her death, to persons in York or Yorkshire, [and also with the other provisos or directions contained in the deed of 1704] and also with such proviso and agreement for the said Dame Sarah Hewley having power to revoke, alter, or make void all or any of the trusts, charities, and orders before mentioned, to be contained in the said last-mentioned indenture or deed of trust, and for the appointing new ones, as in the said first-mentioned indenture or declaration of trust of January 1704 are expressed and declared, of or concerning the trust estates therein mentioned, and of or concerning the clear and residuary rents, issues, and profits therein mentioned of the same trust estates.

Lady Hewley afterwards, by an endorsement in writing bearing date the 10th day of May 1709, and by her signed and sealed in the presence of three credible witnesses, and written upon the back of the said last-mentioned deed, declared that it was her will and pleasure that the management of the said hospital, as to the putting in the poor upon any vacancy, should be in the power of the said Thomas Coulton, and also of Timothy Hodgson, gentleman, Matthew Baycock, gentleman, Samuel Smith, grocer, Robert Rhodes, upholsterer, Martin Hotham, mercer, and William Hotham, mercer, all of the city of York, and such as should be chosen to succeed any of them when they should die.

The rules left by Lady Hewley, and referred to by the last-mentioned trust deed, are entitled "A Collection or Book of Rules, Orders, and Directions, to be kept and observed as well by the Feoffees or Trustees of the revenues of newly erected hospital, almshouse, or habitation for ten poor people, built and settled upon them by Dame Sarah Hewley of

the city of York, widow, for the better government and ordering of the same, as also by the said poor persons placed or to be placed in the same." And the rules are as follows, viz.,

**I. RULES and ORDERS to be observed by the Trustees and the major part of them.**

Amongst these rules and orders are the following :

The said feoffees or trustees, upon every vacancy by death or otherwise, of any of the ten poor persons placed in the said almshouse, shall, before they proceed to any new election to fill up such vacancy, cause the rules and orders written about the due qualifications of such poor persons as are to be placed in the said almshouse, to be distinctly read and perused, that they may the better join and concur in the pursuance and observance of the same ; and when any person is chosen to fill up such vacancy, let any of the said trustees read, or cause to be read and rehearsed to such new-elected person, in the presence of all the rest, the respective duties and offices required and expected from each of them, in their respective stations or places.

Let all the poor people to be elected into and placed in the same almshouse be either poor widows, or women which were never married, of the age of fifty-five years or upwards, to the number of ten poor women ; except when the said trustees can find out a fit married man, whose wife is sober and pious, whom they may judge able and willing to read God's holy word, or any other pious discourse to the said hospitallers, and to pray with them daily, evening and morning, and who may be admitted without scandal, he with his wife may be received, to make up the tenth poor person in the said almshouse.

Let none be chosen by favour, but by desert, as their poorer conditions or more pious inclinations shall merit Christian consideration and pity.

Let none under the age of fifty-five years be willingly chosen and admitted ; and if any should marry, then let them lose their salary and be removed.

**II. RULES and ORDERS to be observed about the Qualities or Qualifications of the poor people to be elected into the said almshouse from time to time.**

Let none be elected into the almshouse who have a clear personal estate of above £60, or a real estate above the annual value of £3, above all reprises, or near relations that are able in estate and bound by the laws of God and Nature to relieve them at home.

Let all persons to be elected prove their age to be above fifty-five years, by good testimonials if required.

Let none be admitted into the hospital that cannot be conveniently separated from their children ; for their children must not be permitted

to live with their parents in the hospital, but in cases of infirmity and sickness, when they are bound in duty to minister to their parents' necessities.

Let none of evil fame or report be admitted into the hospital, but such as are poor and piously disposed, and of the Protestant religion, not given to strong drink, nor to gossipings : and such as have lived infamously in their youth, or have been justly blemished with any gross immorality, let them not so much as in old age be elected without good evidence of their repentance and amendment.

Let the persons to be chosen bring certificates according to law, from the parishes or constableries wherein they lived, that they were legally settled therein, that if they should forfeit their right to the hospital, they shall be received into the parish whence they came.

Let every almsbody be one that can repeat by heart the Lord's Prayer, the Creed, and Ten Commandments, and Mr Edward Bowles's Catechism.

Let all the almspeople, when not disabled by weakness, duly repair to some assembly of the Protestant religion every Lord's day, forenoon and afternoon, and at other opportunities, to attend the ordinances of God.

Let them be ready to attend their almsisters in their sickness, and to assist them by turns.

Let no almsbody receive any visits on the Lord's Day, except in case of sickness ; nor shall they show their rooms to any on that holy day.

Let no almsbody receive any servants into her house to hear ill reports out of the families where they are or have been servants.

Let none of them be ever abused with strong drink, nor let any behave themselves uncharitably and unquietly with one another, by scolding or evil language ; neither let them be busy-bodies, nor tattlers, nor tale-bearers, nor wanderers about from house to house, but keepers at home ; nor common swearers, cursers, nor liars.

Let each keep their own rooms clean, and all bear an equal share in the charge of cleansing all the places of common usage.

Let no almsbody be found begging from door to door, at home or abroad, or asking alms, yet may they gratefully accept anything that shall be freely given them by any ; and if they should be found begging, let them be expelled the hospital.

None chosen and admitted to be almspeople shall, after their admission, go abroad selling bread, eggs, cakes, or such like things, except of their own manufacture ; and what by their hand-labour they can honestly acquire at home, they may enjoy.

Let every almsbody, morning and evening, in private devotion, com-

mend themselves to God in prayer, and in their prayer remember their foundress, Sarah Lady Hewley, while she lives, and after her death, pray for her trustees.

If any of the almspeople should offend against any of these rules relating to them, let them be admonished, first by any one of the feoffees, and if that admonition prevail not, let them be admonished the second time; but upon the the third transgression, it shall and may be lawful for the trustees, or the major part of them, to remove and turn out such disorderly persons with their effects, and to choose another in their room.

Let none be admitted into the hospital that will not make the following engagement.

Then follows an engagement to observe the regulations, or to submit to be removed.

Lady Hewley died on the 23rd August, 1710. She made her will on the 9th July, 1707 (at the time she executed the deed endowing the almshouses) and a codicil on the 21st August, 1710, and on the day before her death, dictated to Dr. Colton, then her sole executor, other dispositions which were taken down in writing in her own language i.e., "I give," or "You may give." All these documents are in the same spirit, and display a well-considered plan, which she added to up to the last, but varied very little. They contain considerable devises and bequests in favour of her father's relatives, especially Thomas Woolrich, whom she had brought up in her house and settled in York, and in favour of the various members of the Mott family, who claimed a relationship to her. She does not seem to have acknowledged them, but to have stated that she showed them kindness because they bore her mother's maiden name. There were dispositions in favour of two boys whose parents had judiciously given them Hewley as a christian name, and bequests to Dr. Colton, her minister, Mr Hotham, her chaplain, her steward, and all her servants and dependents, but not many merely friendly legacies. £700 is left to the Mayor of York for various charitable purposes.

Lady Rokeby, widow of a Justice of the King's Bench, and Dr. Colton, were appointed executrix and executor and, the residue of her personal estate being undisposed of in the then state of the law they took it as their own. Lady Rokeby died in the testatrix's life, and she did not appoint an executor in her place.

On the 21st July, 1711, within a year after Lady Hewley's death, the Rev. Nathaniel Mott, of Weatherfield, in Essex, and his sisters Mercy and Dorothy, and Dr Ward and Barbara, his

wife, who was another sister, filed a bill in Chancery against Dr. Colton and his co-trustees under the deed of settlement, Thomas Woolrich, the devisee, Cross, a lessee under Lady Hewley of a house in London left to Thomas Woolrich, John Heseltine, gentleman, (no doubt a minister), Charles Turner, Christopher Duffield, and William Lester, Esquires, who I take to be trustees of an estate or fund settled by Lady Hewley for the support of schools in York and the neighbourhood, an endowment which the Socinians still retain. The Rev. N. Mott claimed all Lady Hewley's real estate as heir of his elder brother, Ady Mott, who had died after having survived Lady Hewley, and he and the other plaintiffs claimed the residuary personal estate.

The bill alleged declarations by Lady Hewley that she had no relations on her father's side, that the Motts were her nearest relations on her mother's side, and that she had determined to leave them the greatest part of her fortune, not only because of personal preference for them, but because her mother's fortune of £7000 had been the foundation of her father's wealth.

That her ladyship's real estate (at her death producing £1500 a year), had been taken possession of by the defendants with her deeds, and it is charged that the defendants falsely pretended that Lady Hewley had conveyed or devised it to them, or that if there were any such conveyance or will it contained trusts for the plaintiffs, or some of them, or if not, such conveyance or will was obtained from her ladyship by surprise, in her extreme old age and weakness, through the ascendancy of Dr. Colton; or that such conveyances contained powers of revocation and had been revoked; and that on one occasion on Lady Hewley expressing her intention to revoke them (in order to give the estates comprised in them to plaintiffs) Dr. Colton assured her that she had no power to revoke them.

That Lady Hewley intended to have bequeathed the residue of her personal estate to the plaintiffs, but that Dr. Colton induced her to appoint himself and Lady Rokeby executors; and that Lady Hewley, on her will being brought her for execution, noticed to Dr. Colton that there was not any gift of the residue, and that he then told her that her relations must take it and the executors would be trustees of it for them, and that there were advantages in the will being prepared in that manner.

That Dr. Colton had such an ascendancy over Lady Hewley that she did nothing as to her estate without consulting him; that he had possessed her with the notion that she was bound in conscience to leave the greater part of her estate to religious purposes, and that there was



no obligation upon anyone to leave money to relatives; and that he told her he should so act himself; that he had endeavoured to persuade her that the Motts were not her relatives, and had alienated her from them, by misrepresenting their conduct to her; that he kept them away from her during her last days, and was then chiefly with her himself under pretence of praying with her.

That Dr. Colton pretended that Lady Hewley's last directions were that her real estate should be sold, and the proceeds given, one half to the defendants the trustees, one fourth to such godly people as they should think fit, and that the remaining fourth was to be applied to build schools or conventicles; and that her personal estate should be divided between Dr. Colton and such godly people as he should think fit.

The following expressions occur in the bill: "The said Thomas Colton being a person dissenting from the Church of England, and pretending to be in holy orders and a preacher or teacher of some congregation of Dissenting Protestants in the City of York, and having a great influence over the said Dame Sarah Hewley who, by the unfortunate prejudice of education had been bred up and to her death continued a Presbyterian or Dissenter from the Church of England." Of the trustees it is said: "All of them being dissenters from the established worship, and most of them being, or pretended to be, in holy orders, and preachers or teachers of some congregation of Dissenting Protestants in the City of London, or thereabouts." The purposes of the defendants are alleged to be "to build Presbyterian churches, chapels, or other conventicles or meeting-houses, and for the finding and maintenance of some Presbyterian ministers to teach or preach in such churches, &c., and that the defendants should have the government of such churches, &c., or for the erecting and settling colleges, schools, and seminaries, for the bringing up and education of such sort of sectaries."

The junior counsel who signed the bill, and who therefore drew it, was Peere Williams, the reporter. It is very well drawn, and very much in the manner directed by Lord St. Leonard's order. The interrogatories are shorter than according to the present method. The answer is also drawn in the same style.

Dr. Colton's plea and answer insisted on the deeds of settlement will and codicil, and refused to give an account of the real or personal estate of the testatrix. He stated that Lady Hewley was not certain as to the relationship of the Motts, and struck out the word cousin before their names in her will, saying she gave them what she did, not because they were her relations, but because of their need. That she was not attached to them, and was particularly offended by Ady Mott; that Mercy Mott entered her family at her own request (while her ladyship voluntarily brought up Thomas Woolrich), that she had declared that

her mother's fortune came from her first husband, Mr Tichborne ; that her father had several brothers and sisters, four of whom had descendants, some one of whom was her heir. That he (Dr. Colton) never interfered with her ladyship's affairs during her life except that she consulted him as to the settlements, but that he excused himself from giving her any other advice than to have power given her to undo all that she did. That at her request he went to London to have the settlement drawn by counsel ; that when they were sent down he read every word of it to her and left the deed with her ; that she had duplicates of the deeds, and that a short time before her death she gave them to him saying she was quite satisfied with what she had done, and that she had mentioned to him previously that she had power to undo all she had done.

That though Lady Hewley lived to be a great age, her understanding and judgment were perfect to the last.

That she knew he would take any residue, and a little time before her death told him she meant him to have it. That instead of prejudicing her against the Motts, when they had disobliged her ladyship he had at their request interceded with her for them : that he had suggested to her to leave Ady Mott a legacy, but she answered she was very sorry he had had anything ; that he had not been much with Lady Hewley in her last days, as he lived at a distance ; that he had never kept any of her relatives from her except that being sent for in the night and finding her very ill, and thinking her averse to speak about her will before the persons he found in the room with her, among whom was Mercy Mott, he desired them to retire when she dictated the codicil under which the Motts took additional benefits ; that when the last directions were dictated, Mrs. Ward made suit to him to ask her ladyship's further kindness to Mercy Mott, and he did so, though at first without effect, but eventually she had the additional legacies of some lottery tickets ; which Lady Hewley seems to have thought fitter property for her than for Dr. Colton.

It does not appear that the other defendants put in any answer. The bill was an attack upon Dr. Colton personally, and on his filing such an answer no doubt the suit was abandoned.

It was however a well laid scheme. Mercy Mott was first got into Lady Hewley's family to acquire all the influence she could and improve every chance ; at any rate to obtain information how matters were going on, and to learn her ladyship's notions, habits, and general course of procedure, and to treasure up everything that might promise to be useful. Dr. Ward was also on the spot to pick up all he could in the Cathedral circle, which

would be sure to keep an eye upon Lady Hewley and her Presbyterian ministers, and to hear all the gossip concerning them.

Ady Mott was sent down as the heir, but his necessities compelled him to disgust Lady Hewley, and he foolishly divulged the litigation which the family even then contemplated, though it could have been founded only in the confidence which no doubt was but too well founded, that the Courts would do all they could to discountenance a dissenting charity. The Rev. Nathaniel Mott was prudently kept in the back ground till he could safely indulge the spirit manifested in the bill. No time was lost in attempting to obtain a discovery of the deeds which her ladyship had executed, and in ascertaining whether Dr. Colton could be worried into terms. They seem to have known the nature of her ladyship's charities, and the names of her trustees, and they made very skilful use of conversations between her and Dr. Colton, at which Mercy Mott was present. It is very easy to imagine the restraint this damsel put upon her feelings during the tiresome days she spent among the Presbyterians. Her dependent situation, and her hopes of the future, evidently failed to induce at all times the demeanour necessary for her to stand well with her ladyship, and she seems to have been less of a favourite than Mrs. Ward.\* During her ladyship's life they must all have refrained from sneers at the Presbyterians, but they amply indemnified themselves in the bill; and, it is most disgusting to think that, while they took their legacies, they could speak of their benefactor's most cherished purposes in the heartless contemptuous way they do. Peere Williams would not have ventured on his expressions relating to Presbyterians if he had not been certain that they would by no means be distasteful to the Court, and the frame and spirit of the whole bill raises no favourable inferences with regard to English justice while the last Stuart was on the Throne. Lord Harcourt, to whom as lord keeper, the bill was addressed, had been the leading counsel for Dr. Sacheverell. But they had mistaken their man in Dr. Colton, and he quietly met and exposed them, though the last four years of the Queen were the darkest times that Nonconformists have seen since her father ran away.

\* Mr Hunter gives us some short extracts from Oliver Heywood's diary, which it may be related to this misnamed Mercy, though the date, June 1683, if rightly given, suggests difficulties. Yet Dr. Colton's account gives the impression that he had never heard of any other relatives of her ladyship's, real or pretended. Mr Heywood's words are, "Discoursed with that sad lady on her kinswoman's account." On a subsequent day; "Discoursed (and God helped) with Lady Hewley to comfort her about that young woman's miscarriage in the family."

The Charity thus escaped personal malignity and ecclesiastical bigotry in its first year, but it was not destined to flourish long.

The following gentlemen were from time to time appointed trustees, under the provisions of the deed of settlement.

- Aug., 1729. Gilbert Houseman, Isaac Ewer, Matthew Tanner, and Richard Wyndlow, (Thos. Nisbett, Thomas Coulton, and James Wyndlow being survivors of the original trustees.)
- Oct. 1735. John Witter, Ambrose Rudswell, and Joseph Paice.
- March, 1744. Robert Moody, Richard Gilpin, and Richard Milnes, of Wakefield.
- June, 1755. Samuel Shore, of Sheffield, Aymer Rich, of Bullhouse, and Thomas Lee, of Leeds.  
This was the fatal appointment.
- Oct. 1760. John Dawson, of Morley, John Milnes, of Wakefield, and Richard Markham, of Leeds.  
Mr Moody refused to concur in this appointment.
- July, 1770. Robert Milnes, of Wakefield, Samuel Shore, of Norton, John Lee, of Lincoln's Inn, afterwards Attorney-General.
- May, 1774. Pemberton Milnes, of Wakefield, James Milnes, of Wakefield, and Richard Lee, of Leeds.
- May, 1793. James Milnes, of Thornes House, and Samuel Shore, the younger, of Norton.
- Sept. 1805. William Walker, of Killingbeck, Benjamin Heywood, John Pemberton Heywood, both of Wakefield, and Thomas Walker, of Leeds.
- May, 1824. Thomas Lee, of Leeds, Daniel Gaskell, of Lupsett Hall, and William Walker, of Middleton Lodge.
- Oct. 1830. Offley Shore, Peter Heywood, and John Wood, Samuel Shore, J. P. Heywood, Thomas Walker, and Daniel Gaskell, being survivors under former appointments.

So that since 1744 there had been six Milneses, four Lees, four Shores, three Heywoods, and three Walkers, in conjunction with only seven persons of other names.

Dr. Colton died in 1731, and Mr Stretton and Sir Nathaniel Gould before him. The third renewal of the trust took place in 1744, when Mr James Wyndlow alone survived of the original trustees, and on that occasion Mr Robert Moody, a merchant of London, was appointed a trustee, who may have been an Independent, as in the answers he is not owned as a Presbyterian. He is named first in the deed, although from his

will he appears not to have been a person of any great wealth; and as he was resident in London he must have been considered well fitted for the office. He eventually settled in Yorkshire, so perhaps he was connected with the county. Papers of his came into the possession of Dr. Bennett, which showed that he was thoroughly orthodox, and very anxious to do his duty. The fact of his being chosen in 1744 shows that the body of the trustees had not then become heterodox, and as Mr James Wyndlow was evidently influential among them (a gentleman with the same surname was introduced at the prior appointment) the inference is that he was orthodox at that time at any rate. Mr Moody has recorded his great dissatisfaction at the preference shewn by the trustees to Arians after the next appointment in 1755 (by which time James Wyndlow was superannuated) and also at the bad condition and underletting of the estates. He instances one farm which in 1642 had been let on a twenty years' lease for £600 a year, but then produced only £408. He visited the farms, saw the tenants, and procured information about both, but he could not prevail upon the trustees to attend to the matter because they said it would reflect on their predecessors and offend Miss Wyndlow, Mr James Wyndlow's daughter, who acted as secretary to the trustees. They at last threatened personal violence to Mr Moody, and he seems to have refrained from taking part in the trust business, and refused to concur in the next selection of trustees, a fact which rendered the appointment of all trustees after that time irregular. He protested against £60 a year being allowed Mr Cappe, as it prevented the relief of five poor widows, the list of whom had recently been curtailed. This was increased to £80 in Mr Wellbeloved's time, and as we shall find was disapproved by the court. Mr Moody took the opinion of counsel whether Dissenters or members of the Establishment would be held by the Court of Chancery entitled to the charity, and the probability of the court interfering with the trustees' management of the estate. The Attorney-General, Sir John Pratt, afterwards Lord Camden, and another counsel were clear that Dissenters only were entitled, but did not give him any great encouragement to appeal to the court, as the deeds left so much to the discretion of the trustees. A third barrister consulted expressed his doubt whether, if the court interfered at all, it might not decree that the Establishment should have the benefit of

the charity; but Mr Moody considered this last adviser of his must have been tampered with by the other trustees. It is to be noticed that he did not consult counsel as to securing the distribution of the funds to the orthodox, yet he took their misapplication so much to heart as to lament that the charity had done more harm than good. There must have been in his mind a conviction that, either from the prevalence of heterodox notions, or the disfavour shewn to Dissenters, there was no hope of appealing to chancery on the subject. As others would despair of the court as he did, it is no wonder the Arians were allowed to remain in undisturbed possession of so many chapels. The defendants in the suit of the Attorney-General v. Shore were interrogated as to Mr Moody, and their references to him were very spiteful. After his time until 1830 the mismanagement and misapplication of the trust continued. The trustees seem to have retained the old scale of allowances, giving £12 a year only in few cases, and oftener £8, so that they could not find heterodox congregations willing to accept it to a number sufficient to exhaust the rents, and they had no inducement to increase their yearly funds. In twenty years after the trusteeship passed out of their hands the income had been raised from £2830 to £3278. £400 additional rent is paid at five per cent on the trustees' outlay in draining. £700 seems to have been lost by the failure of one of the trustees who was appointed treasurer, as directed in the deed.

The trusteeship was almost exclusively kept in what were still accounted the Presbyterian county families of Yorkshire; and they seem to have made it an hereditary matter, something after the fashion of a Whig Cabinet. In process of time several of these county magnates, and Presbyterians by birth, became very much like "Church of England men," though others no doubt still remained constant to the old meeting-houses. Of the last lot of trustees Samuel Shore, Esq., Offley Shore, Esq., and Daniel Gaskell, Esq., in their answers avowed themselves members of the Norton and Wakefield congregations respectively.

John Pemberton Heywood, Esq., on the other hand in his first answer gives an amusing account of his religious notions, and the words are evidently his own. He tells us that he was of the Presbyterian religion and, so far as he knew, he held the same faith as his ancestors for many generations; and he could not find any material difference between it and Oliver Heywood's, a good

deal of whose works he had read since this question was stirred ; but he could safely assert that there was little or no difference between himself and his tutor at Cambridge, Dr. Paley. The congregation he worshipped with at Wakefield were always called Presbyterians, (and no one ever called them Unitarians before the relators did so), and he could not believe that they held any of the obnoxious tenets stated in the information. He always had been friendly to the Established Church, occasionally attended it, and frequently communicated there, though he still continued to frequent and subscribe to the old Presbyterian congregation at Wakefield. He however makes distinctions even among the members of the Church of England, for he declares he holds no doctrines not received by the moderate and respectable part of it. He states he thinks it hard that he, a barrister and magistrate of so many years standing, and he might have said (if he thought much of it) chairman of a Quarter Sessions, should not be thought fit to distribute charity to poor ministers and widows and other poor.

Peter Heywood, Esq., his son, stated still more ambiguously that he was brought up in the same religious opinions, but attended the Established Church more frequently than any other place of worship, and was not a member of any Unitarian congregation.

These confused and indistinct notions of religion, blending Church of Englandism, which addresses its prayers and praises to the three persons of the Trinity separately, with Socinianism, it is submitted, entirely disqualified these learned and distinguished men from being able properly to determine who, in Lady Hewley's phrase, were poor and pious preachers of Christ's Holy Gospel.

At last as the hereditary trustees oscillated between the old meeting-houses and the parish churches, two or three of the trustees were "Church of England men," while no Trinitarian Dissenter was appointed. This was manifest treason in a dissenting trust, to however slight an extent it was practised.

The trustees seem to have proceeded from the first on the same system. First Lady Hewley's own benefactions were continued. The congregations called Presbyterian of her time seem to have been considered entitled in the next place, and we may say that they had an allowance wherever it was claimed. Some ministers accepted it who, when the size of their towns or the respectability of their congregations was considered, might have been

expected to decline it, as the Socinian ministers at Halifax, Bradford, Stockport, Wakefield, Hull, Doncaster, and Derby. Most of the old Presbyterian chapels were occupied by Socinians, some few were in the hands of Independents. In the border counties they were held by congregations in connection with the Kirk or the Seceders; but though those connected with the Kirk, by their own account at any rate, were not Dissenters, they still received the old allowances. At Wem, in Shropshire, the allowance was continued after the place had become Calvinistic from being Arian or Socinian. At Fulwood, in Yorkshire, on a like change, it was withheld until the chapel went back to heterodoxy. At Rawtonstall, Lancashire, an Independent minister, on becoming Socinian, obtained a grant for the first time. The Independent chapels of Lady Hewley's day seemed to have been recognized as having a claim when the Presbyterians were satisfied. The Baptists had few old places and received little assistance. It seems to have been a *sine qua non* that a minister applying should have been at some academy. In some instances questions were put as to the sentiments of applicants. In all cases the attestation of some minister known to the trustees, i.e. a Socinian, was necessary. Four exhibitions of £12 each went to Manchester College; one of £10 to Airedale College. Rotherham never had any. The answer to applications was that the list was full. The practice of making grants to widows was discontinued during the last century. The trustees seem to have limited the grants for the most part to the amounts usual in Lady Hewley's time, except that Mr Wellbeloved, as minister of St. Saviour Gate Chapel, received £80 instead of £40 a year. A list of the last distribution (1830) will be given in the appendix, in which the denomination of each recipient will, if possible, be noted, and readers can then judge of the matter for themselves. Twenty-seven Socinian congregations seem to have been assisted, and this number comprehends all the poor and some of the rich ones in the Northern Counties.

In 1815 the following memorial was presented to the trustees: From the trustees and Church of Unitarian Christians, on behalf of their minister, meeting in Bethlehem Chapel at New Church in Rossendale, Lancashire, to the trustees of Lady Hewley's fund.

Gentlemen:

Having heard that you are entrusted with bounty which enables you to relieve the distresses of needy ministers, we beseech you of your clemency to hear us a few words.



In the year 1806, previous to which the greater part of us were in the Methodist connexion, a Mr Joseph Cooke was expelled the Methodist connexion, for teaching doctrines which were deemed Anti-Methodistical, but which it is unnecessary here to mention.

A chapel was built for him in Rochdale, in which he laboured a few years, till he wore out a slender constitution and a vigorous and inquisitive mind by excessive application to his work. We, who are the subject of this memorial, had sat two years under the ministry of Mr Cooke while he was in the Methodist connexion, and having embraced the offensive doctrines for which he was expelled in the year 1807, about thirty or forty of us (one of which was a local preacher) left the Methodist connexion and invited Mr Cooke to New Church, a place about eight miles north of Rochdale, to preach for us. He accepted our invitation, and came once a month to our assistance, as long as his health permitted, while our local preacher supplied his place at Rochdale. The progress which our ministers made, and taught us to make in thinking, and the pecuniary embarrassment in circumstances to which the communication of our thoughts has led us, being two things, we will speak of them apart.

We had been set a-thinking by the Anti-Methodism which Mr Cooke was supposed to have taught.

From this we began to examine the doctrine of Original Sin as commonly taught, and we thought we saw sufficient reason to discard such an unscriptural, irrational doctrine: at least such it now began to appear to us. Being pretty well settled in this, we proceeded to examine the doctrine of the Atonement, which as commonly taught, teaches us that God the Father cannot and be just shew any mercy to the sinner till the claims of his justice are satisfied. Man cannot make this satisfaction. According to this scheme, another God, called God the Son, who in every respect is equal with the Father, makes satisfaction to his Father. It struck us that, if the Father required a satisfaction to his justice, the Son, if equal with him, must, for the same reason, require one too; and then it gave us the ideas, that there was one God who was stern and inflexible, another, kind and generous, and yet these are one and equal in perfection. These, with a whole heap of inconsistencies which gather round this doctrine, caused us to cast this ancient piece of orthodoxy to the moles and to the bats.

We then began to think about God being three in one and one in three. This we could not understand. Much we thought, but nothing we said on this subject in public for the space of twelve months. Perhaps at this period we might well be called Sabellians. Thus far our ministers had led us from orthodoxy to heterodoxy, when in March, 1811, our much esteemed, useful, and labourious pastor, Mr Cooke, was

taken from us by death. For many months previous to his decease he had been unable to attend upon his regular ministry, but notwithstanding this, his mind was all alive to thinking, and we verily believe, had he recovered his former strength, he would have been one of the most laborious promoters of Unitarianism in this kingdom.

Our condition was now the most critical and trying that can be imagined. Our principal dependence for a supply of preaching had been upon Mr Cooke; now he was gone. Our orthodox neighbours had long misrepresented our sentiments, and had been very liberal in dealing out damnation, but now they made another desperate attack. The death of Mr Cooke, said they, was a judgment from God, inflicted for broaching such damnable heresy, and it was predicted that all would now sink into oblivion. Our pains were much increased by considering ourselves as the only people in the country, if not in the world, who believed these things, and often in condoling what in the anguish of our minds we conceived to be our misfortune, have we said to one another, 'There is no people in the world who believe as we do, and are treated as we are,' for however strange it may appear to those whose acquaintance with men and things have been more extensive than ours, we did not at this time know that there were any Christians called Unitarians, (though there were some in Rochdale), nor did we know that there was any book except the Bible that taught the doctrines we had embraced. In this distress, ready to faint under our trials, we called a meeting of the society, which now consisted of about sixty persons, all of whom were poor labouring men and women; the result of which was to attempt to proceed in what we had begun. It was observed we could not hear preaching elsewhere with any satisfaction; that while Mr Cooke had been sick the congregations had been well satisfied with the junior preachers (some months before this another young man had begun to preach, and a few months after this another began); that we could not conscientiously give up what from conviction we had embraced. The conversation at this meeting greatly strengthened our hands.

We set about our work, continued to enquire after truth, and immediately after this we relinquished the doctrine of the Divinity of Christ. Indeed, the place at which we are now arrived is supposed by our orthodox neighbours to be the mystery of iniquity.

What considerably added to our distress when Mr Cooke died was the state of our finances. In the year 1808 we built a chapel which cost more than £500. A little more than £100 of this was begged from amongst ourselves; the rest, to the amount of £400, was borrowed. The interest of this money was to be paid from the seat rent. The novelty of our sentiments, and the offence that was generally taken at them, along with the death of Mr Cooke, made us tremble under this

burden. We perceived however that our condition needed all the exertion and support we were capable of giving it. The result has been very different to anything we then thought of. We have not only been able to keep our chapel, but our congregation is now larger than it was when Mr Cooke died, and we have reduced the debt upon our chapel to £350, (£100 of this debt is now wanting, and has long been wanted, nor do we know either where to beg or borrow it). For this however, under God, we are indebted to the young men our preachers, but principally to one who has always resided among us (the other young men live eight miles from us). This young man, in opposition to the strong prejudices and attachments formed by methodistical instructions and associations, has sought for truth, and found what we conceive to be the genuine truths of the Gospel, without any assistance save that which his Bible afforded. In the pulpit he boldly, yet cautiously, advanced and defended them in such a way as has silenced some of his adversaries, but in this work he has spent more time and strength than we have been able to requite him, for such generally has been the badness of trade, and the consequent poverty of our circumstances, that we believe, on an average, since he became our minister he has not had for all his services more than £10 a year.

Gentlemen, we have heard of your liberality, and that, as the trustees of Lady Hewley's fund, you have it in your power to be kind to the needy. We have given you a very brief account of our rise, progress, and present condition as a Church of God on Unitarian principles. We pray you would consider the condition of our worthy needy minister. We think it no flattery to say, that he has been worthy a better treatment than we have been able to give him or can give him; we have therefore, being beggars, made his and our condition known to you. May the abundance of your liberality abound to the relief of our poverty, to the encouragement and support of our worthy minister, and may the divine bounty cause your fund to be enriched, that you may bless the families of many indigent ministers.\*

(Signed) JOHN LORD,  
JONATHAN RUDMAN, } Trustees.  
JAMES HOLT,

Gentlemen :

I do most cordially recommend the case of the people at New Church, and their minister, my lately acquired but highly esteemed friend, to your regard.

Bury, May 6th, 1815.

W. ALLARD.

\* This is to be remarked as an instance of Arminianism even among Methodists, ending in Socinianism. The same thing has happened among the Quakers, who are an Arminian sect in the United States more than in England; and the same must be admitted of Grotius and his party, the first Arminians and the Latitudinarians.

## To the Trustees of Lady Hewley's Fund.

Gentlemen :

We, the undersigned, beg leave to recommend to your particular attention the case of the Reverend John Ashworth, the resident Minister of a society of Unitarians which has recently been established at New Church, a populous manufacturing district. The congregation consists chiefly of weavers, a sober, honest, and industrious people, but of very limited means for the support of a minister.

WM. HASSAL,  
G. W. ELLIOTT,  
WM. WALKER.

Rochdale, May 8th, 1815.

RICHARD ASTLEY,  
WM. KERSHAW,  
RAWDON BRIGGS,  
JOHN RHODES,  
J. R. RALPH,  
JOHN THOMSON,  
C. H. DAWSON.

Halifax, May 10th, 1815.

This document was a very important piece of evidence. The flippancy of the language, when contrasted with the character of Lady Hewley, produced an effect which could not have been otherwise obtained, and as the trustees would not declare their faith it told it for them. It was not merely that the trustees made a large grant for them to this place shewing that the memorial was to their mind, but it was thought worthy of being printed (not by any means for reprobation) in the Unitarian Magazine, the Monthly Repository. By the means of this magazine it became known to the relators and was proved in the suit; the minister of the chapel was examined, and he verified a copy of the magazine put into his hands. This chapel is said to have been the only one Unitarian in its origin which the trustees put on their list, and it received £12 a year from 1815 to 1830. This fact should be stated for praise as well as blame.

Public attention had long been drawn to this charity, and at length had so far settled upon it, that it was clear it was only a matter of time and circumstance how long the trusteeship should remain in the families who had possessed themselves of it.

At last, in August, 1824, the leading Socinians of Lancashire met at the Spread Eagle, in Manchester, to dine and present a silver tea

service to the Rev. James Grundy, on his leaving the chapel in Cross Street in that town. This chapel was built by the exertions of Henry Newcome, ejected from Manchester in 1662, who has left some sermons to shew his opinions; among them some which, by their title, show that his theology was of the old school, as "The Sinner's Hope," and "The Covenant of Grace effectually remembered." After dinner of course there was speech-making, and the Rev. George Harris, of Bolton-le-Moors, among other offensive remarks, said that "the spirit of orthodoxy was mean, cruel, vindictive, and persecuting," and also that it was "direful and demoralising in its effects."

The report of the speeches at this dinner occasioned a newspaper controversy, in which the late George William Wood, Esq., afterwards M.P. for Kendal, on the Socinian side, and on the orthodox, Mr George Hadfield, now member for Sheffield, his native town, then a practising solicitor in Manchester, took the chief part. Mr Hadfield was drawn into the matter by a letter from Mr Samuel Kay, solicitor to Cross Street Chapel, in which that gentleman threw out a challenge to try the right of Cross Street Chapel.

Mr Kay, who stated that an ancestor of his was one of the original founders of Cross Street Chapel, and that his family had ever since been members of the congregation, made the following candid admission :

In the course of the last century undoubtedly a great change has taken place in the opinions of English Presbyterians in general. The late pious Mr Mottershead found his congregation about ninety years ago rigid Calvinists; having been uniformly influenced by a spirit of calm enquiry and Christian candour, he left them at his decease, after a ministry of nearly fifty years, Arminians and Arians. His colleague, Mr S. Seddon, was the first to speak in our chapel what were then called Socinian doctrines; but it does not appear that many, certainly not the greater part of his hearers, concurred with him in opinion.

Mr Hadfield, in 1824, published a volume with the title, "The Manchester Socinian Controversy," containing an account of the dinner at the Spread Eagle, and the letters in the newspapers, with introductory remarks as to Presbyterian chapels in the hands of Socinians, a list of the chapels so circumstanced, and a particular notice of Dr. Williams's and Lady Hewley's charities. At the end of the notice of Lady Hewley's charity it was

intimated that the friends of orthodoxy were contemplating an investigation into it.

Prefixed to Mr Hadfield's book was a portrait of Mr Newcome, subjoined to which was the following sentence from Mr John Howe :

He was a burning and a shining light ! O Manchester, Manchester ! that ancient fenced seat of religion and profession ; may Capernaum's doom never be thine ! May thy Heyrick, Hollingworth, Newcome, and thy neighbours Angier and Harrison, and divers other men, never be witnesses against thee !

In the next year the committee of Rotherham College, of which Dr. Bennett and the Rev. Thomas Smith were then tutors, took the Hewley charity into their consideration, and requested Mr W. F. Rawson and Mr Joseph Read, both of Attercliffe, with Mr Hadfield, to present a memorial to the Charity Commissioners respecting it. They prepared a memorial of the facts, and sent a copy of it to the Board in London, and another to the commissioners then in eyre. In consequence of the information thus communicated, Mr Wilkinson Matthews and Dr. Burnaby examined Mr J. P. Heywood at Wakefield, and the Rev. C. Wellbeloved at York, having previously obtained from the latter a statement as to the alms-houses, from which they made a short report. The commissioners then appointed a meeting at the Tontine, Sheffield, on 7th April, 1826, and the memorialists, with Dr. Bennett and the Rev. James Mather, waited on them there, and it was determined after this interview that another memorial should be presented, commenting on the information which the commissioners had communicated, and urging that the matter should be brought before the Chancellor.

The commissioners reported that " It must be considered at least very questionable whether preachers or students of Unitarian belief or doctrine could properly be admitted to receive stipends and exhibitions under Lady Hewley's charity, and that they thought the question which had arisen in the case ought to be submitted to the consideration of a court of equity, in order that a judicial declaration might be pronounced as to the proper mode of administering and dispensing the charity in the particular respect above noticed, and that directions might be given as to its management and application."

In consequence of this opinion, Sir James Scarlett, then Attorney General, laid the papers before Mr Pemberton, now Lord

Kingsdown, and he gave an opinion upon it advising the commissioners not to interfere in the matter. The Attorney-General concurred with him, and the commissioners decided that the business should be no further proceeded in. This opinion was read to Mr Hadfield, but a copy was refused him. He recollects that it was to the effect that as the deeds described in general terms the objects of Lady Hewley's bounty, and did not expressly exclude Unitarians, Mr Pemberton considered, without giving an opinion on the merits, (though he thought the case differed from some of those reported), the commissioners would best exercise the discretion by the act vested in them if they declined instituting proceedings on such a subject as the theological disputes between Trinitarians and Unitarians.

Application was then made to the commissioners for a list of the persons to whom the charity was last distributed; but this also was refused.

The secretary's letter stated that "As the selection of proper objects, with the description in the deeds establishing the charity, and the determination of the allowances to them, appear to have been committed by the foundress entirely to the discretion of the trustees, the commissioners did not think it would be useful or proper to examine further than they had done respecting the peculiar religious sentiments of individuals participating in the charity, without previous judicial determination that the profession of Unitarian principles forms a positive ground of exclusion."

Mr Hadfield brought the subject before a meeting of the Lancashire County Union (of Independents) on 9th April, 1829, and it was resolved that a copy of the report should be published at the expense of the Union, under his direction.

Mr Hadfield added notes to the report, and with this accompaniment it was widely circulated.

Mr Joseph Blower, of the firm of Vizard and Blower, of Lincoln's-Inn-Fields, happening to be in Leeds at a meeting of the association was applied to, and agreed to undertake the business on receiving a comparatively trifling sum for his outlay; two-fifths were undertaken by Yorkshire gentlemen, two-fifths by Mr Hadley, for Lancashire, and one-fifth by Mr Wilson, for London, but Mr Blower's firm remained by his offer the largest contributor to the undertaking. Little more than half the sum subscribed for was called up.

Mr Joshua Wilson also offered the assistance of his deep

acquaintance with the books published by the Dissenters of Lady Hewley's time and the history of religious opinions in England.

On the 18th June, 1830, an information was filed by the Attorney-General on the information of Thomas Wilson of Highbury Place London, Joseph Read of Wincobank Sheffield, George Hadfield of Manchester, John Clapham of Leeds, and Joseph Hodgson then of Halifax afterwards of Bakewell, (described as Dissenters protected by the Toleration Act), and was amended on 15th December, 1831. The defendants were the Grand Trustees : Samuel Shore Esq. of Norton Hall near Sheffield, whose grandfather was appointed a trustee in 1755 ; Offley Shore Esq. a son of Mr Samuel Shore ; John Pemberton Heywood of Wakefield Esq. M.A. Camb. and barrister-at-law ; Peter Heywood Esq. M.A. Camb. and barrister-at-law, a son of Mr John Pemberton Heywood ; Thomas Walker of Killingbeck near Leeds Esq. a magistrate of the West Riding ; and Daniel Gaskell of Lupset Hall near Wakefield Esq. M.P. for Wakefield ; and John Wood Esq. barrister and chairman of the Board of Stamps and Taxes ; And the trustees of the hospital, the Rev. Charles Wellbeloved Dissenting Minister of the Presbyterian congregation in the St. Saviour's Gate Chapel, York ; the Rev. John Kenrick, of York, a Dissenting minister of the Presbyterian denomination ; Thomas Bischoff Esq. of Leeds ; Varley Bealby Esq. of York ; Joseph Henry Oates Esq. of Leeds ; George Palmes Esq. of Naburn near York ; all of them, with the exception of Mr Palmes, who was a member of the Church of England, Dissenters belonging to the Presbyterian denomination, and the Grand Trustees being all members of old Yorkshire Presbyterian families.

The information was originally filed against the two Messrs. Shore, the two Messrs. Heywood, Mr Walker and Mr Gaskell, Grand Trustees, and Mr Wellbeloved alone of the sub-trustees ; but Mr Wood was audaciously appointed a manager of the estate pending the suit, and it was found necessary to make him and the omitted sub-trustees parties.

The amended information stated, among other things, that Lady Hewley was in those times considered to be, and was called by those of the same religious sentiments, a godly person, and was a dissenter from the Established Church, and that she was in her religious belief a Calvinist and Trinitarian.

That she belonged to the congregation or attended the meeting-house or chapel in St. Saviour's Gate York, which was partly endowed by her.

That Dr. Coulton and the Rev. Mr Hotham were the first preachers at that chapel.

That during the time of the religious persecutions of the English Presbyterians and Independents and other persons calling themselves



godly Dissenters from the Established Church, in the reign of Charles the Second, Lady Hewley stood forward as the protector and supporter, in Yorkshire, of the ejected ministers of St. Bartholomew's Day, 1662, under the Act of Uniformity of the 13th and 14th of Charles the Second, and of the persons calling themselves godly who were Nonconformists, and who were subject to pains and penalties in those days for their forms of religious worship.

That her charitable works were specially extended to the poor and ejected ministers and Nonconformists of those days, and that she is mentioned in the diary of Oliver Heywood, one of the most zealous of the Nonconformist and ejected ministers.

That being minded and disposed to devote her property to the purposes mentioned in the foundation deeds, she had frequent conferences with her friends on the subject, as well as consultations with counsel, under whose advice, and after long and mature deliberation, and several years before her death, she entered into and executed the deeds therein-after mentioned.

The information then sets out the indentures of 1704 and 1707, and the rules left by Lady Hewley for the government of the hospital.

It then states that Richard Stretton, the trustee first named in the said indentures of trusts, was a Nonconformist of considerable note in those times, and that he is recorded in Calamy's Memorial of Nonconformist Ministers.

That Dr. Coulton, the original preacher at St. Saviour's Gate Chapel, whose ministry Lady Hewley attended, and who was her friend and spiritual adviser, and sole executor of her will, is named as another of the said original trustees and also a manager of the hospital; and that the Rev. Mr Hodson, who is named a manager of the hospital, was one of the attesting witnesses to Sir John Hewley's will, and the private chaplain of Lady Hewley; and that the other trustees and managers of the Hospital were men who in those times were called, by persons of the same religious persuasion, godly persons; and that all the original sub-trustees and managers were dissenters from the Established Church, and at the date of the deeds and indorsement nominating and appointing them, and at the death of Lady Hewley, were persons within the protection and entitled to the benefit of the Act of Toleration of the 1st of William and Mary, and were none of them subject to the penalties of the Act against Blasphemy of the 9th and 10th of William III.

That Mr Bowles's Catechism was well known amongst Dissenters at that time, and that a tenth edition thereof was printed and sold by John White, of the city of York.

That Lady Hewley continued to be a godly Dissenter from the Established Church to the day of her death; and that she was attended

in her last illness by Dr. Coulton ; and that her will commenced as stated before.

That she died on the 23rd of August, 1710, and that Dr. Coulton preached her funeral sermon containing the passage extracted before.

That new trustees of the charities and new managers of the hospital were from time to time chosen and appointed, and the charity estates and premises conveyed to them by the survivors of the said original trustees and managers and their successors. And that the fifth appointment and conveyance to new trustees took place some time in the year 1755, when the then survivors chose and appointed Samuel Shore, Aymer Rich, and Thomas Lee to be new trustees.

That the said Samuel Shore, Aymer Rich, and Thomas Lee were persons of considerable wealth and influence, and that they were the friends and patrons of a young Dissenting minister, then in indigent circumstances, called the Rev. Newcome Cappe, and who had been educated at an Independent College, and, by their interest, obtained the said Rev. Newcome Cappe to be appointed the assistant of the Rev. Mr Hotham, as the preacher at St. Saviour's Gate Chapel, in November, 1756, being a short time before Mr Hotham's death, Mr Hotham then being of great age ; and also that Mr Cappe should be the sole preacher of the chapel after the death of Mr Hotham, in May, 1756, there having been formerly always two preachers at St. Saviour's Gate Chapel ; and that Mr Cappe became a great favourite with the new trustees ; and that Mr Cappe was, or shortly after his appointment to be the preacher of St. Saviour's Gate Chapel became, an Arian, and afterwards what is now commonly called a Unitarian.

That Robert Moody, one of the trustees, died in the month of May, 1767 ; and that upon Mr Moody's death the charities fell entirely into the hands of trustees belonging to the class or denomination of Christians now commonly called Unitarians ; and that the Reverend Newcome Cappe and his party managed and conducted the almshouse and hospital ; and that the family of the Shores have, ever since the year 1756, been and still are trustees of the charity ; and that the Rev. Newcome Cappe continued to be a sub-trustee or manager of the hospital, and continued to receive a stipend as a poor and godly preacher to the time of his death, which happened in the year 1799, and that he left the congregation of St. Saviour's Gate Chapel, whom he had found strict Calvinists in their religious belief, changed to be what are now commonly called Unitarians.

The last appointments of grand trustees and managers, and sub-trustees or managers of the hospital, are then set out.

That save and except the said John Pemberton Heywood, Peter Heywood, George Palmes, and John Wood,\* each and every one of the

\* It was supposed that these gentlemen would all style themselves "Churchmen."

said trustees and managers, sub-trustees and governors of Lady Hewley's charities, was in his religious belief what is commonly called a Unitarian, and was a member of, or belonged to the sect, or class, or denomination of Christians commonly called Unitarians, and attended a congregation or chapel commonly called or passing under the ordinary and popular appellation of a Unitarian congregation or chapel, or attended a chapel where doctrines of the Unitarian persuasion were preached or taught, or where doctrines commonly called, or taken or believed to be Unitarian, were preached or taught.

That Mr Wellbeloved succeeded Mr Cappe on his death in 1799, and that he was then the preacher of Saint Saviour Gate Chapel, and that he was what is commonly called a Unitarian minister, or a minister of the Unitarian persuasion or denomination, and that he was what is commonly called a Unitarian in his religious belief and doctrine, and that he was a member of, or belonged to the sect, or class, or denomination of Christians commonly called Unitarians, and that he preached and taught what are commonly called or believed to be Unitarian doctrines in the said chapel, and that the congregation attending the said chapel belonged to, or were of the sect, or class, or denomination of Christians commonly called or passing under the ordinary and popular appellation of Unitarians ; and that the said Reverend John Kenrick was what is commonly called a Unitarian minister, &c., as alleged with regard to Mr Wellbeloved.

That the annual rents and profits of Lady Hewley's charities amounted to £2,900, or thereabouts, and that a great part of the said rents and profits were then applied by the said then trustees, sub-trustees, and managers, in and towards the support and propagation of doctrines commonly called Unitarian, by giving stipends to the ministers, and to the widows of the ministers, and to the poor members of the congregations of the sect, or class, or denomination of Christians commonly called Unitarians, and by sending formerly six exhibitions, and afterwards five exhibitions, to students at the Manchester College at York ; and that the said College was commonly called or passed under the ordinary or popular appellation of the Unitarian College, or the Unitarian College at York ; and that the said Manchester College was reputed and commonly believed to be, and was in fact an establishment supported by the sect, or class, or denomination of Christians commonly called Unitarians ; and that the said College was principally for the purpose of supplying a succession of regularly educated ministers in their class of Dissenters, as appeared from the thirty-second annual printed report of the said College, made in the month of August, 1818, and the printed circular letter of the said appellant, the Reverend Charles Wellbeloved, at the end of the said report.

That the said charity funds were further misapplied, by making an allowance to the said appellant, the Reverend Charles Wellbeloved, of £80 a year as a poor and godly preacher of Christ's holy gospel.

That the qualifications required by Lady Hewley for the admission of the almswomen to the hospital, and the rules directed by her to be kept there, had been totally disregarded by the said sub-trustees or managers of the said hospital; that the Creed and Mr Bowles's Catechism had been wholly rejected and laid aside, and that no other Catechism was supplied to the almswomen or taught in the hospital; and that the almswomen on the Lord's Day attended the chapel in St. Saviour-gate, where the Reverend Charles Wellbeloved preached.

That the said trustees, sub-trustees, and managers of these charities did not then make an allowance to the widows of godly preachers in distress, as a distinct class, and that no part of the charity funds were then applied for the encouragement of the preaching of Christ's holy gospel in poor places.

That only one exhibition was then given to any Dissenting college, or academy, or school for the education of orthodox ministers of Christ's holy gospel; and that, in the year 1821, an application was made on the behalf of the Dissenting College at Rotherham, to send one of the exhibitions under Lady Hewley's charities to that establishment, which was refused on the ground that their number was full, they (the trustees) having sent exhibitions to the said Manchester College, being the whole number of exhibitions which they then sent.

That in or about the month of September 1829, an application was made on behalf of the Dissenting College at Blackburn in Lancashire, to send one of the exhibitions under Lady Hewley's charities to that establishment, and the same was strongly recommended by the late Rev. William Roby, and by the Rev. Drs. Raffles and Clunie, and the Reverend Messrs. McAll and Coombs, which application was refused, on the ground that there was no vacancy in the list of exhibitions to students from the said trustees, and that there was no present prospect of one.

That an application was made by and on the behalf of the Reverend Mr Calvert, as a poor and godly preacher of Christ's holy gospel, resident at Morley, in the county of York, and only receiving from his chapel a very small yearly stipend, which was refused, because the list of distributions to poor and godly ministers was full; and that the said list of distributions at the time of such applications and refusals, as aforesaid, contained the names of many ministers or preachers belonging to the sect, or class, or denomination of Christians commonly called Unitarians, and that thereby the said applicants were excluded and deprived of the benefit of Lady Hewley's charities.

That the charity funds had been, and were then applied to or for the benefit of preachers or ministers of what are commonly called Unitarian chapels and congregations, and to persons of what are commonly called Unitarian sentiment, belief, and doctrine ; and that the sect, or class, or denomination of Christians commonly called Unitarians, was then an established and well-known sect, class, or denomination of Christians.

That the said Samuel Shore, the younger, the Reverend Charles Wellbeloved, and the Reverend John Kenrick, were severally and respectively members of an association denominated "the British and Foreign Unitarian Association," and that annual reports were printed and published, or distributed, by the said association, and that by the said printed reports the said association was stated to be framed for the promotion of the principles of Unitarian Christianity at home and abroad, the support of its worship, the diffusion of biblical, theological, and literary knowledge on the topics connected with it, and the maintenance of the civil rights and interests of its professors ; and the first leading object of the said association was, by the said reports, stated to be the promotion of Unitarian worship in Great Britain, by assisting poor congregations, and sending out or giving assistance to missionary preachers, and the second, the publication and distribution of books and tracts, controversial and practical, in a cheap form.

That the religious belief and doctrine of the sect, or class, or denomination of Christians, commonly called Unitarians, was wholly opposed to, and at variance with the belief and doctrine of the Established Church, and also wholly opposed to, and at variance with the belief and doctrine of the great body of Dissenters from the Established Church who were protected by the Act of Toleration of the 1st of William and Mary, at the time of the foundation of Lady Hewley's charity.

That the said Act was an Act framed for the indulgence of Dissenters in all forms and modes of worship then in use amongst them, and the enactments of which the great body of Dissenters themselves had a principal part in drawing up ; and that, by such Act, no toleration or protection was extended to the sect or class of Christians now commonly called Unitarians.

That the religious differences between the Established Church and the great body of Dissenters were not upon articles of faith, and the object of religious adoration or worship, but upon questions or articles of church government and of the divine origin thereof, and as to forms and ceremonies ; and that the great body of dissenters distinguished in those times by the names of Presbyterian, Independent, and Baptist, differed among themselves solely on the said questions or articles of church government, and as to its divine origin and power, and as to forms and ceremonies, and that upon articles of faith and the object of

religious adoration or worship, they were all agreed amongst themselves and with the Established Church, as appears by and from the Larger and Shorter Catechism prepared by the Assembly of Divines, which said Shorter Catechism is now in common use for the instruction of young persons amongst the great body of dissenters, commonly called the orthodox dissenters.

That at the time of the foundation of Lady Hewley's charities, the act of 9th and 10th William the Third against blasphemy was in force, and that the doctrines now held and preached by the denomination of Christians commonly called Unitarians, were then held to be blasphemous, and that in those times the denial of the doctrine of the Trinity was punishable with pains and penalties, under the said statute of 9th and 10th William the Third; and that chapels in which doctrines which are now commonly called Unitarian doctrines were preached, were not then legal places of public worship; and that the belief and doctrine of the present sect, or class, or denomination of Christians commonly called Unitarians, was then illegal and held in great abhorrence by the legislature, and by the Established Church, and by the great body of dissenters, including the Presbyterians, the Independents, and Baptists of those days.

That the term or name Unitarian, as the name of a religious sect, was of modern use, and was not in those times generally used, persons of the same, or nearly of the same persuasion, being then called Socinians; and that there was no difficulty in distinguishing the being and doctrines of the sect, or class, or denomination of Christians now commonly called Unitarians, from the other sects of dissenters commonly called the orthodox dissenters.

That the belief and doctrines of the class or sect, or denomination of Christians commonly called Unitarians, were set forth in several of the books and tracts distributed by the said British and Foreign Unitarian Association, and that a catalogue of the said books and tracts was printed and published, or distributed, in each of the annual printed reports of the said association.

\* That the class, or sect, or denomination of Christians commonly called Unitarians, rejected as utterly unscriptural, each and every one of the following doctrines, that is to say: the Trinity of persons in the Deity; the Incarnation or true and perfect divinity of the person of the Son of God; that the Son of God is the second person in the Trinity, and equal with the Father; the divinity and personality of the Holy Ghost or Holy Spirit, as the third person in the blessed Trinity, and equal with the Father and the Son; the forgiveness of sins and salvation through the merit of the Atonement; the Atonement or satisfaction for sin made

\* This paragraph was the chief amendment.

by the death of Christ ; that Jesus Christ is really and truly God, and as such, the proper object of religious worship ; and the doctrine of original sin, or that man is born in such a state, that if he were to die in the condition in which he was born and bred he would perish everlastingly. And that each and every one of the doctrines aforesaid was rejected as utterly unscriptural by the said appellants, the Reverend Charles Wellbeloved and the Reverend John Kenrick.

That many of the class, or sect, or denomination of Christians commonly called Unitarians, called themselves Presbyterians, and called their chapels Presbyterian chapels, and that the term Presbyterian, as used by the sect, or class, or denomination of Christians commonly called Unitarians, had no definite meaning as to opinions or discipline, and that they differed, both in doctrine and discipline, from the acknowledged creed and ecclesiastical government of the churches recognized as Presbyterian ; that their congregations were not subject to the form of government which characterizes Presbyterian churches, and that their ministers or preachers were not subject to a presbytery or to a synod.

And that the said appellant, the Reverend Charles Wellbeloved, represented himself and his congregation to be Presbyterian ; that the said defendant was not subject to a presbytery or to a synod, and that his congregation had not that form of government which characterizes Presbyterian churches, and differed, both in doctrine and discipline, from the acknowledged creed and ecclesiastical government of the churches recognized as Presbyterian.

That the chapel of Rossendale, Lancashire, was commonly reputed to be, and was commonly called an Unitarian chapel ; that the said chapel being considerably in debt, an application was made to the trustees of Lady Hewley's fund for assistance ; that the trustees received a memorial, stating at length the doctrines believed and taught by the applicants, and upon the said memorial granted a sum of £12, which had been continued annually, [and the offensive part of the memorial was then set out, see p. 44.]

That the said trustees of the charities for many years allowed £80 per annum out of Lady Hewley's charities to the said defendant, the Rev. Charles Wellbeloved, a sub-trustee of the charities ; and that the said appellant, the Reverend Charles Wellbeloved, preached a sermon on Sunday, the 23rd day of January, 1825, in the said Saint Saviour Gate Chapel, at York, in aid of a subscription for the erection of a Unitarian Chapel in Calcutta, and that the said sermon was afterwards printed and published at the unanimous request of his audience ; and that in the said sermon the said appellant styled himself, and spoke of himself as being a Unitarian, and addressed his congregation as being Unitarians, and promulgated what are commonly called or believed to be Unitarian doctrines, as by the said printed sermon appeared.

That all the ministers educated at the said Manchester College, under the said defendant as theological tutor and principal, became preachers of what is commonly called Unitarian doctrine, and became ministers of what are commonly called Unitarian chapels and congregations; and that many of the ministers who had been educated at the said College called themselves Presbyterians; and that the said trustees applied no part of Lady Hewley's charities to encourage the preaching of Christ's holy gospel in poor places. That the said trustees only sent five exhibitions from the charities, and only one thereof, until the years 1828 and 1829, to a Trinitarian or orthodox Dissenting College. That seven exhibitions, at least, ought to be sent; and that the trustees ought therefore to be removed from being trustees and managers of Lady Hewley's charities, and that new trustees ought to be appointed by the Court of Chancery.

And the said information prayed, That the court would be pleased to take the case of Lady Hewley's charities into its consideration, and that it might be declared, by the decree of the court, that ministers or preachers of what is commonly called Unitarian belief and doctrine, and their widows, and members of their congregations, or persons of what is commonly called Unitarian belief and doctrine, are not fit objects of Lady Hewley's charities; and that exhibitions to the said Manchester College, or to any other colleges or schools where what is commonly called Unitarian belief or doctrine was taught or inculcated, were not fit exhibitions for promoting the education of ministers of Christ's holy gospel, within the intent and meaning of Lady Hewley's charities.

And that the allowance of £80 to the said defendant, the Reverend Charles Wellbeloved, as the preacher of Saint Saviour Gate Chapel, was an unfit allowance or distribution of the charity funds, by reason of the said defendant, the Reverend Charles Wellbeloved, having been and then being one of the sub-trustees or managers of a part of these charities, and by reason of his not being a poor preacher, and not being a godly preacher of Christ's holy gospel, within the intent and meaning of Lady Hewley's charities, and by reason of what is commonly called Unitarian belief and doctrine being preached and inculcated by him in the said Saint Saviour Gate Chapel; and that the said allowance of £80 might be wholly discontinued in future; and that such order might be made, as to the past payments of the said allowance of £80 to the defendant, the Reverend Charles Wellbeloved, as to the court should seem just.

And that all the objects of Lady Hewley's charities might be decreed fairly and in such manner to participate in these charity funds as she meant and intended; and in particular, that a fair and just proportion thereof might be distributed to and amongst poor and godly widows of poor and godly preachers of Christ's holy gospel, giving a preference to



York, Yorkshire, and the northern counties ; and that a fair and just proportion thereof might be applied for the encouraging and preaching of Christ's holy gospel in poor places ; and that Lady Hewley's qualifications and conditions for the admission of almswomen to the said hospital or almshouse, and her rules for the management and regulation of the said hospital, or such of them as to the court should seem meet, might be restored or enforced in future, in such manner as the court should be pleased to direct.

And that it might be declared by the decree of the court, that such Dissenters alone as were commonly called orthodox Dissenters, and as would have been within the protection of the Act of Toleration of the 1st of William and Mary at the time of the foundation of these charities, and would not then have been subject to the penalties of the Act of the 9th and 10th William the Third against blasphemy, can now be considered as coming within the intent and meaning of Lady Hewley, and as entitled to participate in the benefit of her charities.

And that the defendants, the then trustees, sub-trustees, and managers of the charities, or such of them as to the court should seem proper, might be removed by the decree of the court from being trustees, sub-trustees, or managers of the charities.

And the said amended information prayed an injunction, to restrain the trustees from proceeding to the election of any new trustees, sub-trustees, or managers of Lady Hewley's charities, and the appointment of a receiver, or that the court would be pleased to pronounce such declaration as to the proper mode of administering and dispensing Lady Hewley's charities, and to give such directions as the case required, for securing the charity estates and funds, and to provide for the proper administration thereof in future.

The defendants, the Grand Trustees, by their answer to the original information, filed 17th November, 1830, amongst other things say :

They believe that Lady Hewley belonged to the class of Dissenters called Presbyterians, and that many of the Presbyterians of that period were Trinitarians ; but save from the probability arising from such last-mentioned circumstance, they cannot say whether Lady Hewley was in her religious belief a Trinitarian, but they say that, according to the best of their information and belief, she was not in her religious belief a Calvinist or Independent ; and they say that Mr Bowles's Catechism mentioned in the information, and there referred to as containing the religious opinions entertained by Lady Hewley, does not, in the judgment of the defendants, inculcate a belief in the Calvinistic doctrines of the Trinity, the Atonement, Predestination, Irresistible Grace, or the Perseverance of the Saints. They add, that according to their information and belief, Lady Hewley was a person of very enlarged benevolence, and

of great liberality and toleration of the opinions of others ; and that in the relief extended by her to the suffering Nonconformists, she was not actuated by an exclusive regard to the peculiar creeds or religious sentiments of the objects of her bounty.

They say, that St. Saviour Gate Chapel was a Presbyterian chapel, and that the teachers and ministers thereof were dissenters from the Established Church, and professed the doctrines common among the Presbyterians of that time, but what such doctrines were in particular they are unable to set forth ; however, they believe that one distinguishing characteristic of that sect in England was, that they considered all persons eligible to communicate with them in the Holy Sacrament of the Lord's Supper who professed to believe in Christ's Holy Gospel. That they do not believe that either Lady Hewley or any of the teachers or ministers in the said chapel were Independents, or followers of Calvin.

They deny that Lady Hewley was desirous of devoting the principal part of her large property particularly or exclusively for the purpose of encouraging the preaching of Christ's holy gospel by Dissenting preachers of her own religious sentiments, for in the trust deeds there is no reference whatever to the religious sentiments of the preachers who are there pointed out as the objects of her bounty, and they do not believe that the object of Lady Hewley in instituting the charity was to promote or encourage the spread of any stated doctrines or form of Protestant worship in particular, but that in a spirit of general benevolence she was desirous of extending her bounty to the numerous classes of professing Christians who were then, or might thereafter be, struggling with persecution and pecuniary difficulties, by reason of their dissenting from the Established Church, insisting on liberty of conscience and the right of private judgment in matters of religion.

They cannot say whether any writings were left by Lady Hewley with any person except the Book of Rules of the hospital. However there is a tradition among the present trustees, derived from their predecessors, that Robert Moody named in the said information, did secrete or improperly obtain possession of some papers or writings relating to the said trusts and charities.

That Lady Hewley was, during her lifetime, a very liberal patron of St. Saviour Gate Chapel, and that she made an ample provision for the Rev. Dr. Coulton, the minister officiating there during her lifetime ; and they believe that upon the death of Dr. Coulton, the original trustees and managers of the charity, and their immediate successors, in accordance with what they deemed to be the intention of Lady Hewley, and the spirit of her direction that the charitable dispositions or allow-

ances made by her to persons or places in York should be continued after her decease, allowed and paid out of the funds of the charity to Mr Hotham, the successor of Dr. Coulton, as the minister of the said chapel, a stipend of £40 a year; and they say they find in the book in which the receipts and payments of the trustees are entered, commencing in 1729, several entries of half-yearly payments of £20 to Mr Hotham. They say, that, according to the best of their knowledge, information and belief, neither Dr. Coulton nor Mr Hotham was a poor person; and that, according to the best of their belief, considering the interest taken by Lady Hewley in the chapel, and her liberal patronage of the Dissenting ministers officiating therein in her lifetime, it was not the intention of Lady Hewley that the minister of that chapel should be a poor person, but that he should be a minister distinguished as well for learning and the respectability of his station in life, as for godliness. They add, that according to the best of their judgment, regard being had to the increased nominal amount of the rents and profits of the charity estates, and the depreciation in the value of money, and to the change in the style and manner of living since the time when Mr Hotham succeeded Dr. Coulton, the stipend of £60 per annum allowed to Mr Cappe during the time that the defendant Samuel Shore was a trustee of the charity, and the stipend of £80 allowed to the defendant Wellbeloved before the filing of the information, is not more in proportion than the stipend of £40 allowed to Mr Hotham by the original trustees of the charity and their immediate successors. That they do not know that Mr Cappe found the congregation at St. Saviour Gate Chapel Calvinist, or left them changed to Unitarians, and followers of the doctrines of Priestly. On the contrary they believe Mr Cappe was not himself a follower of the doctrine of Priestly, but differed widely from him in religious sentiments.

That Mr Cappe was not in the habit of preaching doctrinal sermons, but habitually urged upon his hearers love to God, faith in the gospel of Jesus Christ, and the practice of holiness and righteousness.

That the defendant Wellbeloved had been chosen by the congregation at St. Saviour's Gate Chapel assistant minister to Mr Cappe, and that he had officiated as such assistant minister for nearly nine years previous to his (Mr Cappe's) decease, without any stipendiary allowance from Lady Hewley's trustees; and that on Mr Cappe's decease he was elected to succeed him as sole preacher there, and they admit that he is now the sole preacher there.

That Manchester College is an establishment chiefly supported by persons who call themselves Presbyterian Dissenters, and is for the purpose of educating ministers of that denomination; that they believe that Unitarian sentiments are not required to be taught, and in fact are

not taught, in the College, and that the students are not required or expected to profess Unitarianism, either on their admission, or during their residence at, or on their quitting the College; and they say that the four exhibitions which, prior to the filing of the information, were paid by them to students then pursuing their studies there, were, like all former exhibitions, paid to the students, and not to the College, and would have been continued to them in case of good conduct, although they removed to another academy.

That they are ignorant what are the particular religious opinions of any of the said four exhibitors.

That the £80 a year is paid to the defendant Wellbeloved as a faithful and godly preacher of Christ's holy gospel to a congregation that had never been able to raise more than from £20 to £30 a year out of their own means.

That the management of the almshouse or hospital is conducted by the sub-trustees appointed for that purpose, pursuant to the directions of Lady Hewley, and that those defendants do not interfere in such management; and they submit that they are not responsible for the same: they add, that they believe that the rules directed by Lady Hewley to be observed respecting the hospital are now observed there as fully and strictly as circumstances will allow; but they believe they are not required to be able to repeat Mr Bowles's Catechism, and that they did not know such Catechism was in existence till it was published by Mr Hadfield.

That a memorial from Rossendale was presented to them, because it is required by their rules that a memorial should be presented; but they say that such memorial was not preserved, and they are unable to set forth the contents thereof: however, they do not believe that the same was to the purport or effect set forth in the information, because, although they have no recollection of the particular purport of the memorial so presented, they are convinced that if the same had been to the effect stated in the information, the same would not have been recommended and signed, as is required, by two respectable neighbouring ministers; neither would the trustees have given attention to such statements.

That, as trustees of the charity, they are willing and desirous to act under the directions of the court; but they humbly submit that they ought not to be removed from being trustees and managers of the charities; for they insist that they were duly appointed trustees or managers thereof, according to the directions contained in the original deed of trust; and that since the period of their appointments respectively, they have severally conscientiously, and to the best of their ability, duly acted in the execution of the trusts of the charity, and they have, to the best

of their judgment, in all respects acted in conformity with the spirit of Lady Hewley's directions regarding the management of the charity. That Lady Hewley did not in the original deeds of trust, or in her rules for the management of the hospital, or in any other documents, to the best of their knowledge and belief, give any direction regarding the peculiar mode of belief required to be entertained by the objects of the charities, save that, according to the rules of the almshouse, the almswomen are required to be of the Protestant religion ; and that, according to the best of their judgment and belief, the desire and intention of Lady Hewley, in founding the charity, was to encourage the preaching and practice of pure Christianity, without any exclusive regard either to the peculiar forms of Protestant Dissenting worship, or to the particular doctrines inculcated by the different denominations or sects of Protestant Dissenters. That in the selection of objects of the charity, they have, to the best of their ability, acted in conformity with such intentions of Lady Hewley, and in compliance with the express directions contained in the deeds of trust, in so far as particular directions were therein given. That it has not been their practice to inquire what were the particular personal religious opinions of the applicants for the assistance of the charity, but that their inquiries have been always made with a view to ascertain as to the preachers, whether they were sufficiently learned to read and understand the Holy Scriptures, and were men of such godly character and conduct as were likely, in their lives as well as by their preaching, to promote the practice of Christ's Holy Gospel, and were in such circumstances as to require pecuniary assistance from the charity. That so far is it from being true, as alleged in the information, that they have shown an undue preference to the dissenters commonly called Unitarians, that they have ascertained, from inquiries made since the information was filed and they believe it to be true, that a very great majority of the preachers and widows who receive stipends from the funds of the charity are what are commonly called Trinitarian Dissenters, and not what are commonly called Unitarians.

That amongst persons holding what are called Unitarian principles there is great diversity of opinions, and that there is no fixed standard of their religious belief, save the Holy Scriptures. However these defendants believe that a very great proportion of them entertain a moral belief in the doctrine of the Trinity, ascribing to the Father the different attributes or characteristics or personæ of God the Creator, God the Redeemer, and God the Sanctifier of His creatures.

That as to such of the objects of the charity as attended places of Unitarian worship, or professed Unitarian sentiments, they cannot say what are their particular religious opinions ; however that, to the best of their belief, all of them are of the Protestant religion, and believe in the

divinity of the mission and office of their Lord and Saviour Jesus Christ, and that the Holy Scriptures of the Old and New Testament contain the revealed will of God, and they receive the same as the rule of their doctrine and practice. They deny that any of the stipendiaries hold or profess doctrines that are, or ever were judicially held to be, blasphemous.

They deny that any applications were made to them, before the information was filed, to discontinue their stipendiary allowances, as is alleged in the information ; however they say that since the filing of the information they have discontinued the stipendiary allowances theretofore paid by them, although they do not admit that the same were improperly made by them, they being in consequence of the filing of the information, desirous in the further execution of the trust, to act under the direction and sanction of the court.

The answer of Mr Wellbeloved was very much to the same effect as the grand trustees' answer, and was filed 17th December, 1830.

With regard to his own preaching in St. Saviour Gate Chapel, he says : That in St. Saviour Gate Chapel, he hath always, to the best of his judgment and belief, preached the pure doctrines of Christ's Holy Gospel ; that there is great diversity of opinion amongst persons professing Unitarian opinions, and there is amongst them no settled and admitted standard of belief save the Holy Scriptures ; however he saith, that they all, to the best of his belief, believe in the divinity of the mission and office of the Lord Jesus Christ, and that the Holy Scriptures of the Old and New Testament contain the revealed will of God, and that they receive the same as the rule of their doctrine and practice. He says that he hath in his preaching always inculcated the doctrines aforesaid ; and he hath never held, or professed, or inculcated, any doctrine which is, or which to the best of his information and belief, was ever judicially held to be, blasphemous.

Exceptions were taken to both further answers on the ground that they did not state whether the defendants were Unitarians, or what were the peculiar doctrines of Unitarians, and to the answer of the trustees on the ground that they had not set forth a list of the beneficiaries.

The trustees, on the 30th March, 1831, put in another answer, setting out a list of the beneficiaries, which will be found in the appendix.

All the defendants argued the other exceptions, contending that they were not bound to answer as to their religious opinions, as they were immaterial in the suit, and because if they confessed to disbelief of the Trinity, at any rate to having preached in disproof of it, they would according to Lord Eldon's opinion, (he was then living), render themselves liable to be indicted for it at common law.

Lord Henley, the master, allowed the exceptions, and the allowance was confirmed by the Vice-Chancellor, and by the Chancellor, Lord Brougham.

The defendant, the Reverend Charles Wellbeloved, put in his further answer on the 15th October, 1831, which was in part in the following words.

That the sense in which the term Unitarian is used in the information not being defined, defendant is unable to set forth whether he is a Unitarian in his religious belief and doctrine, in the sense in which it is there used. That he believes that very few persons agree in the definition of the term Unitarian, and that sects maintaining very different opinions claim it for themselves. That he doth not agree in some very important points of doctrine with any sect that either takes to itself, or receives from others, the appellation of Unitarian. That he uniformly represents himself, and desires to be considered by others, as a Protestant Dissenter of the Presbyterian denomination, and as one who firmly believes in the divine mission of Jesus Christ, and holds no other doctrines than those contained in Christ's holy gospel, to all of which defendant yields a full and cordial assent. However, defendant admits it to be true, that in the sense in which defendant uses the term Unitarian, and which is hereinafter set forth, he is a Unitarian in his religious belief and doctrine. That in using the term Unitarian as applicable to himself, he means more specifically to denote that he believes and professes the following Christian doctrines (that is to say) :

That to know God to be the true God, and Jesus the Christ whom he hath sent, is eternal life.

That it is defendant's duty to worship God according to the precepts and the example of his divine Lord and Master, who taught his disciples to pray to God as their Father in heaven, and to ask of Him what they needed in his name.

That it is his duty to ascribe glory to the only wise God through Jesus Christ.

That he acknowledges Jesus Christ to be the Word that in the beginning was with God, and rejoices in the doctrine of the Evangelist, that God so loved the world that he sent forth his only begotten Son into the world, not to condemn the world, but that the world through him might be saved.

That he believes that God having sent him forth, was with him. That the works which he did, and the words which he spake, were not his own, but the words of the Father which sent him, and whose will he came to do.

That he believes that Jesus was (as he said of himself) a man who spoke the truth he heard from God, and as God commanded or instructed him so he spake.

That defendant believes, according to the words of the Apostle Peter, that Jesus of Nazareth was a man approved of God by miracles, and wonders and signs, that God did by him. That having been crucified and slain, God raised him from the dead and made him both Lord and Christ : that then he was glorified by God. That, in conformity with the doctrine of the inspired Apostle, Paul, defendant acknowledges and believes in one God, the Father, of whom are all things, and one Lord, Jesus Christ, by whom are all things, and we by him ; that there is one God and one mediator between God and man, the man Jesus Christ, by whom God hath reconciled us to himself, who was made sin for us that we might be the righteousness of God in him, who gave himself for us, that he might redeem us from all iniquity, and purify unto himself a peculiar people zealous of good works.

That defendant acknowledges Christ as the image of the invisible God, the first-born of every creature, in whom it pleased the Father that all fulness should dwell, who was made a little lower than the angels, but for the suffering of death crowned with glory and honour, that by the grace of God he should taste death for every man ; that he was made in all things like unto his brethren in all points, tempted like them yet without sin, and whom having become obedient to death, God highly exalted, giving to him a name above every name, that at the name of Jesus every knee should bow, and every tongue confess that Jesus Christ is Lord, to the glory of God the Father.

That defendant believes that the purpose and grace of God was made manifest by the appearing of Jesus Christ, who hath abolished death and brought life and immortality to light through the gospel.

That in the day when God shall judge the secrets of men by Jesus Christ, he will render to every man according to his deeds.

That to the before-mentioned doctrines of Christ and his apostles defendant gives his unqualified assent, and that whatever is taught in Christ's Holy Gospel, concerning the existence, perfections, and government of God, the person and the office of Christ, the terms of pardon and acceptance with God, the duties of life, and a future state of righteous retribution, defendant gratefully and cordially receives and professes as divine truth ; and save as aforesaid, defendant cannot set forth as to his belief or otherwise, whether or not defendant is an Unitarian in his religious belief and doctrine. However, defendant saith, that he is made a defendant to the said information in his character of a trustee or manager of the hospital in said information mentioned ; and defendant humbly submits, that in his said character of trustee, it is wholly immaterial what are the particular religious opinions of defendant, and humbly submits that he ought not to have been compelled to answer as to the particulars of his religious belief.



That in the Saint Saviour Gate Chapel at York, in said information mentioned, defendant doth not preach the received doctrines of any particular sect, but he preaches that only which, after a diligent and impartial study of Christ's holy gospel, he conscientiously believes to be the pure doctrines of Christianity. However, defendant admits, that he doth in said chapel preach doctrines in accordance with the doctrines hereinbefore set forth by him, in illustration of the sense of the term Unitarian as used by defendant. That he cannot take upon himself to state what is the religious belief of the members of the congregation meeting at the chapel in St. Saviour Gate, York, for defendant saith he has made no inquiries, and received little information on the subject from the major part of them; but from their continued attendance on his ministry, defendant presumes that their views of Christian doctrine are something like his own, and that they approve of his preaching; and save as aforesaid, defendant cannot set forth whether or not the doctrines of Unitarianism, or of Unitarian Christianity, are preached by defendant in the Saint Saviour Gate Chapel at York, nor whether or not the congregation attending said chapel is a congregation of Unitarians.

That the Manchester College in the said information mentioned, is supported chiefly by Protestant Dissenters of the Presbyterian denomination. That it is an establishment for the purpose principally of supporting the churches of that denomination with a succession of ministers, but not for the purpose of instruction in the peculiar doctrine of any sect. That no such instruction is given, but that the principle upon which the institution is established and conducted is, that every student shall be left to the free and unbiassed exercise of his own private judgment in matters of religious opinion. That as the theological tutor at the said establishment, he most scrupulously adheres to that principle, endeavouring to impart to his pupils such instruction only as shall qualify them to interpret the Scriptures for themselves, excite in them a love of truth and a reverence for its dictates, and form in them a habit of searching the Scriptures.

That it is his invariable practice solemnly to charge his pupils when they enter on a theological course of studies there, in the name of the God of truth, and of our Lord Jesus Christ, the Way, the Truth and the Life, in all their studies and inquiries of a religious nature, carefully, impartially and conscientiously to attend to evidence as it lies in the Holy Scriptures, to embrace or assent to no religious principle or sentiment held or advanced by their tutor, or any one else, but as it shall appear upon the fullest examination to be supported by revelation, to labour to banish from their breasts all prejudice, prepossession, and party zeal, to study through life to live in peace and love with all their fellow christians, and steadily to assert for

themselves, and freely allow to others, the inalienable rights of judgment and conscience.

Concerning Mr Bowles's Catechism he states :

That in his judgment Mr Bowles's Catechism differs in some points of theology and religious belief very materially from the Catechism of the Established Church set forth in the book of Common Prayer. That among other discrepancies, the doctrine of the Trinity, which holds a very prominent place in the Catechism of the Church of England, does not at all appear in the Catechism of Mr Bowles. That the answers in Mr Bowles's Catechism are almost uniformly given in the words of Scripture, or nearly so, and the whole is drawn up with so much judgment, caution and moderation, that an Anti-Trinitarian catechist might use it. That according to the best of his knowledge, information and belief, Mr Bowles's Catechism has been out of print above a century, and that or any other Catechism, is not furnished to the almswomen or in the hospital, and that no direction for that purpose was given by Lady Hewley.

The defendants to the original information, Samuel Shore the younger, John Pemberton Heywood, Thomas Walker, Peter Heywood, and Offley Shore, put in their further answer on the 15th October, 1831, by which they stated, that the sense in which the term Unitarian was used in the said information not being defined, they were unable to set forth whether they were Unitarians in the sense in which it was there used, and that they uniformly represent themselves, and desire to be considered by others, as Protestant Dissenters of the Presbyterian denomination, and as persons who firmly believe in the divine mission of Jesus Christ, and hold no other doctrines than those contained in Christ's holy gospel, to all of which they yield a full and cordial assent. However, they admit it to be true, that in the sense in which they use the term Unitarian, they are Unitarians in their religious belief and doctrine ; and that they have read the further answer of the defendant, the Reverend Charles Wellbeloved, and that they use the term Unitarian in the sense in which it is there defined.

These answers were not deemed sufficient, and the defendants were ordered to put in further answers.

They then state severally as follows :

Mr Samuel Shore and Mr Offley Shore say they are members of the Dissenting congregation meeting at Norton, in the parish of Norton, in the county of Derby, which is called a Presbyterian congregation.

Mr Walker says he is a member of the Protestant Dissenting congregation at Mill Hill Chapel in Leeds, in the county of York, which he believes to have existed more than a century and a half, long before the term Unitarian was used, and upwards of half a century pre-

vious to the creation of Lady Hewley's charities in question in this suit. That his grandfather was a dissenting minister at that chapel eighty-three years since, and until the time of his death; and that his father William Walker subsequently attended divine worship in that chapel until the time of his death, and that he hath always been a member of that congregation. He adds that he hath never adopted the appellation of a Unitarian, and never, to the best of his knowledge, differed in his religious opinions from those of his ancestors.

Mr John Pemberton Heywood says:

That he has always professed himself to be a Dissenter of the Presbyterian denomination. That his ancestors for many generations back have professed the Presbyterian religion, and in that religion he was brought up, and has, as far as he knows, held the same faith, which he hath never left or changed or deviated from. That he holds no doctrines which are not received, as he believes, by all the moderate and respectable part of the Church of England; that he was from his earliest infancy taught the Lord's Prayer, the Apostle's Creed, and the Ten Commandments, which appear also to have been the foundation of the faith of Lady Hewley. That he has read, since this question was stirred, a good deal of the works of his ancestor, Oliver Heywood, who, in the information, is mentioned as the friend of Lady Hewley, and who was, as he himself states, very intimate with her, and he cannot find any material difference between the faith of the said Oliver Heywood and his own. That he was educated at Cambridge, where Dr. Paley was his tutor, and from the many conversations he had with him upon the subject, he can safely assert that there was little or no difference in their religious opinions. That his ancestors have been for more than a century members of a congregation who meet at Westgate, at Wakefield, in the county of York, who have always been called, by themselves and other persons, Presbyterians, till by the relators, as he has heard, they were called Unitarians. That the said congregation have never adopted the name of Unitarians, nor do they, according to the best of his belief, hold any of the obnoxious tenets attributed to them by the relators. That he has attended, and so did his father before him attend, the Established Church occasionally, to which he has always been friendly, and where he has frequently communicated, though he still continues to frequent and subscribe to the old Presbyterian congregation aforesaid. That he is now above seventy-five years old; has practised with some success as a barrister for above fifty years; has acted as a Justice of the Peace for the West Riding of Yorkshire near thirty years; has lived on good terms with all his neighbours, and is, he humbly conceives and submits, not unworthy to be a trustee of a charity, the object of which is to distribute money to poor godly preachers of the gospel and to poor widows and to other poor persons.

Mr Peter Heywood says :

That he is son of the last-named defendant, and has been brought up in the same religious opinions ; that he was educated at the University of Cambridge, and took his degrees there, and is still a member of Christ College in that University, and that he attends the Established Church more frequently than any other place of worship, and that he is not a member of any Unitarian congregation.

They all say, that they are not deeply skilled in polemics, or have wasted their time in the study of abstruse and mysterious doctrines, that save as aforesaid they are unable to set forth whether or not each of them is in his religious belief a Unitarian or a member of a congregation or chapel where the doctrines of Unitarian Christianity are preached and taught. However they submit and insist, that in their character of trustees of Lady Hewley's charity, it is immaterial what are their particular religious opinions, and they humbly submit that they ought not to have been required to answer as to the particulars of their religious belief.

That as to the sub-trustees, Mr Bealby and Mr Kenrick attend at the chapel in St. Saviour's Gate ; Mr Palmes professes to be a member of the Established Church ; Mr Oates attends the Presbyterian Chapel at Mill Hill, Leeds ; Mr Bischoff attends the Presbyterian Chapel at Call Lane, Leeds ; and Mr James Wood attends some place of worship belonging to Dissenters of the Presbyterian denomination.

Mr John Pemberton Heywood says, he subscribed to Manchester College, and so did others who were members of the Church of England, not to further the particular views of any sect in particular, but because they wished to encourage a place of liberal education, not bound down to any particular creed.

They say they believe that the trustees originally appointed by the said Dame Sarah Hewley were all of that class of Dissenters called Presbyterians, to which class she herself belonged, and that with the exception of one or two instances of Church of England men, and of Robert Moody in their former answer mentioned, the trustees have always been of that class of Dissenters.

Mr Gaskell, (who put in his answer separately, being abroad) answers 28th September, 1831, to the same effect as the two Mr Shores and Mr Walker. He refers to the draft of Mr Wellbeloved's further answer. He adds that he is a member of the congregation meeting at Westgate in Wakefield, who have always been called, by themselves and other persons, Presbyterians, and who have never, as a body, adopted the name of Unitarians.

These answers were not deemed sufficient, and the defendants were ordered to put in further answers.

In consequence of the ground taken by the defendants the information was then amended, for the purposes of bringing before the court the managers of the hospital, of defining the sense in which the term Unitarian was used by the informants, and of interrogating the defendants as to the particular doctrines commonly held and professed by the Unitarians in general, and by the defendants Wellbeloved and Kenrick in particular.

The Rev. Charles Wellbeloved, the Rev. John Kenrick, Thomas Bischoff, Varley Bealby, Joseph Henry Oates, and George Palmes, put in their answer to the amended information on 17th April, 1832. The substance is as follows :

Mr Wellbeloved and Mr Kenrick say as to Mr Bowles's Catechism : That in their judgment the Catechism of Mr Bowles does not (sic) differ on points of theology and religious belief from the Catechism of the Established Church, as set forth in the Book of Common Prayer, inasmuch as the Catechism of the Established Church speaks of God the Son and God the Holy Ghost, whereas the Catechism of Mr Bowles nowhere used the title God in relation to the Son or to the Holy Ghost.

That in their judgment Mr Bowles's Catechism does differ materially from the Catechism of the Assembly of Divines on points of theology and religious belief, inasmuch as Mr Bowles's Catechism makes no mention of the doctrine of the Trinity, of the divine decrees of election, of effectual calling, of justifying faith, of the perseverance of Saints, and other points on which the Assembly's Catechism insists largely and strenuously.

That in their judgment Mr Bowles's Catechism does not differ from the said Assembly's Catechism as to the object of religious adoration or worship, inasmuch as the Assembly's Catechism defines prayer to be "an offering up of our desires to God in the name of Christ by the help of His Spirit," and Mr Bowles's Catechism defines it to be "a making our request unto God according to His will in the name of Christ."

That they do not profess to be acquainted with all the particulars of the religious doctrine and belief of Protestant Dissenters called Unitarians, of which there is a great diversity, as mentioned in the former answer of the defendant Wellbeloved, but these defendants say that according to the best of their information and belief the doctrines of Mr Bowles's Catechism are in accordance with the religious faith of the denomination of Christians called Unitarians, in all its principal points, and as far as these last-named defendants know, or are able to ascertain what are the doctrines which are held by the Protestant Dissenters called Unitarians, the only material difference between such doctrines [and the doctrines] inculcated in Mr Bowles's Catechism is that the said Catechism teaches that man is by birth sinful and liable to perish ever-

lastingly, whereas the Protestant Dissenters called Unitarians believe, so far as these defendants know or can speak to their belief, that man is from his birth by nature frail, and liable to fall into sin, but not that he will perish everlastingly for any sin of his birth if he have not knowingly and wilfully transgressed the commandments of God.

That in their judgment the said Mr Bowles's Catechism does not differ as to the object of religious adoration or worship from the religious belief and doctrine of the Protestant Dissenters called Unitarians.

The other defendants say, they are not well skilled in theological controversy, nor learned in the history of religious Dissent; nevertheless, so far as they are informed, they concur in the judgment of the defendants Wellbeloved and Kenrick, in the matters hereinbefore answered unto by them.

Mr Wellbeloved says as to Mr Cappe :

That during the time he was acquainted with the said Mr Cappe he (the said Mr Cappe) always professed himself to be a Dissenter of the Presbyterian denomination. However this defendant believes it to be true that the said Rev. Newcome Cappe, in common with many Dissenters of the Presbyterian denomination, ever since the foundation of the said charities, had many religious opinions similar to the religious opinions held by Protestant Dissenters, now commonly called Unitarians.

That to the best of his information there are no means of knowing what the said Mr Cappe found the congregation of St. Saviour Gate in their religious belief, but the defendant doth not believe that he found them strict Calvinists; on the contrary this defendant hath always heard and believed that they belonged to the class or denomination of Protestant Dissenters called Presbyterians. However this defendant believes it to be true that at the death of the said Mr Cappe, which happened in the year 1789, a large portion of the said congregation who still continued to be Presbyterians did entertain opinions similar to those which this defendant understands to be denoted by the term Unitarian.

That the remarks and dissertations [of the said Mr Cappe, published by his widow] differ in many important points from the opinions held or supposed to be held by Unitarians.

All the defendants say with regard to Unitarianism :

That much misapprehension prevails as to the nature of the tenets held by the Protestant Dissenters called Unitarians, and these defendants are unable to answer with any degree of certainty as to what the doctrines are which are commonly called or believed to be Unitarian doctrines, but that according to the best of their information and belief each of the trustees and managers of the said charities, and as to whose religious opinions and practices enquiry is particularly made in the said information, is a Christian and a Protestant, and believes in the divine

mission and office of the Lord and Saviour Jesus Christ, and that the Holy Scriptures of the Old and New Testament contain the revealed will of God, and receives the same as the rule of his faith and practice ; and that each of them represents himself to be, and desires to be considered as a Protestant Dissenter of the Presbyterian denomination ; and that each of them receives and professes as divine truth whatever is taught in Christ's Holy Gospel concerning the existence, perfections, and government of God, the person and office of Christ, the terms of pardon and acceptance with God, the duties of life, and a future state of righteous retribution, and that none of them holds any other doctrines than those contained in the Holy Scriptures, but that each of them yields a full and cordial assent to all the doctrines contained therein.

That according to the best of their belief the doctrines held and professed by the persons adverted to in the information as being commonly called Unitarians, and particularly the doctrines held and professed by the trustees, managers, and sub-trustees of the charities to whom Unitarian opinions are particularly attributed in the amended information approach more nearly to the doctrines contained in the catechism of Mr Bowles, than to the doctrine of any other known sect or denomination of Christians of the present day.

The defendants, except Palmes, (who was a member of the Church of England), say they have been informed and believe that ever since the passing of the Act of Uniformity the Protestant Dissenters have been usually divided, and are still usually divided, into three sects, classes, or denominations, that is to say, Presbyterians, Baptists, and Independents.

They believe it to be true that amongst the Presbyterians and Baptists very many hold and, according to the information and belief of these defendants, ever since the foundation of the said charities many have held, opinions which are now called Unitarian opinions.

They believe that the fact that many congregations of Presbyterian and Baptist Dissenters hold and profess opinions now called Unitarian opinions is well known, but in the proper use of the term the persons holding opinions called Unitarian do not as such constitute an established sect, class, or denomination of Dissenters.

They believe it to be true that the several defendants in the said information in that behalf particularly named are accustomed to call themselves, and commonly call themselves, Presbyterian Dissenters or Protestant Dissenters. However they believe that in the sense in which the term Unitarian is defined in the said further answer of the defendant Wellbeloved to the said original information, they are also accustomed to call them [selves] Unitarians.

They believe it to be true that the name or term Unitarian as the

name of a religious sect is of modern use, and was not at the time of the foundation of the said charities generally used, although to the best of their information and belief the doctrines entertained by the persons now called Unitarians in the sense in which these defendants understand the term, were entertained by many among the Protestant Dissenters of those times called Presbyterians and Baptists.

That according to the best of their information and belief the doctrines which are now entertained by the Protestant Dissenters, now called Unitarians, in the sense in which these defendants understand the term, are not the same, but materially differ from the doctrines which were entertained by and distinguished the persons in those times called Socinians, as in the said amended information mentioned.

That to the best of their judgment and belief the religious belief and doctrine of the Protestant Dissenters, in the said amended information styled the sect or class or denomination of Christians commonly called Unitarians are not, so far as these defendants are acquainted therewith, wholly opposed to, and at variance with, the belief and doctrine of the great body of the Dissenters from the Established Church, who were protected by the Act of Toleration of the 1st of William and Mary, at the time of the foundation of the said charities.

That in their judgment there is difficulty in distinguishing the belief and doctrine of the Protestant Dissenters in the said amended information styled the sect or class or denomination of Christians commonly called Unitarians, from those of the sects of Dissenters in the said information stated to be commonly called orthodox Dissenters, because inasmuch as there are great varieties of belief and doctrines among the Protestant Dissenters called Unitarians, and also among those in the said information alleged to be called orthodox, it is difficult to determine in what points the different sects agree, and in what points they differ.

Defendants Wellbeloved and Kenrick say :

They nowhere find in the Scriptures any such phrase as Trinity of persons in the Deity, and that the only passage which appears to teach this doctrine (namely 1 John v. 7, commonly called the text of the heavenly witnesses) has been rejected as spurious by many of the most learned theologians in the Established Church, and amongst the rest by Dr. Marsh, the present Bishop of Peterborough, and also by many Protestant Dissenters.

They believe it to be true that in so far as the doctrine of a Trinity of persons in the Deity is to be found in the Scriptures, the Protestant Dissenters called Unitarians receive the same as scriptural, and that in so far as such doctrine is not to be found in the Scriptures, but not further or otherwise, the Protestant Dissenters called Unitarians reject the same as unscriptural.



They receive as worthy of all acceptance the doctrine of the Apostle John, that 'the Word was made flesh, and dwelt among us,' and they also believe, according to Mr Bowles's Catechism, that our Lord Jesus Christ is the Son of God manifest in the flesh, and also that in him dwelt the fulness of the Godhead bodily ; but they no where find in the Scriptures any such phrase as the incarnation or true and perfect divinity of the person of the Son of God.

They believe it to be true that in so far as the doctrine of the incarnation or true and perfect divinity of the person of the Son of God is to be found, &c.

They accept as the scriptural doctrine concerning the Son of God the declaration of our Lord Jesus Christ himself, namely 'My Father is greater, than I.'

That in so far as the doctrine that the Son of God is the second person in the Trinity and equal with the Father, is to be found, &c.

They believe the Holy Ghost or Holy Spirit to be divine, but they find no mention in the Scriptures of the Blessed Trinity, nor of the Holy Ghost or Holy Spirit as a third person therein, or as equal with the Father and the Son.

That in so far as the doctrine of the divinity and personality of the Holy Ghost or Holy Spirit as the third person of the blessed Trinity, and equal with the Father and Son, is to be found, &c.

They do not reject the doctrine of the forgiveness of sins and salvation by the atonement received through our Lord Jesus Christ, but they no where find in the Scriptures any such phrase as merit of the atonement.

That in so far as the doctrine of the forgiveness of sins and salvation through the merit of the atonement is to be found, &c.

They do not reject the doctrine of the atonement, but they no where find in the Scriptures any such phrase as satisfaction for sin made by the death of Christ.

That in so far as the doctrine of the atonement or satisfaction for sin by the death of Christ is to be found, &c.

They have hereinbefore declared their belief respecting the Lord Jesus Christ as the Son of God, and further they believe, according to the words of Mr Bowles's Catechism, that prayer is an address to God in the name of Jesus Christ.

That in so far as the doctrine that Jesus is really and truly God, and as such the proper object of divine worship, is to be found, &c.

They believe that man is by nature frail and liable to fall into sin, but not that he will perish everlastingly for any sin of his birth, if he have not knowingly and wilfully transgressed the commandments of God.

That in so far as the doctrine of Original Sin, or that man is born in

such a state that if he were to die in the condition in which he was born and bred he would perish everlastingly, is to be found, &c.

That in so far as the several doctrines aforesaid are to be found in the Scriptures, they receive the same as scriptural, and that in so far as the said doctrines, or any of them, or any part thereof, are not to be found in the Scriptures but not further or otherwise, they reject such doctrines respectively as unscriptural.

They receive and admit all the said doctrines in so far as they agree with the Word of God, as contained in the Holy Scriptures.

All the defendants except Palmes say :

That the term Presbyterian, as used by the Protestant Dissenters commonly called Unitarians, has a definite meaning as to discipline ; but they believe the term is not now used, nor to the best of their information and belief was at any time used with reference to doctrines.

That the said term Presbyterian is used by the Protestant Dissenters called Unitarians as it was used by the Presbyterians about the time of the foundation of the said charities to denote that those who bear it hold the episcopal system of church government to be without warrant of Scripture ; and that the Protestant Dissenters styled Presbyterians are distinguished from the other denominations of Dissenters by this, that they do not require from their members a confession of faith or a statement of their special experience as a condition of communion, inasmuch as they consider such a proceeding as not sanctioned by the Scriptures, and as not consistent with Christian liberty ; and that the said term also serves to distinguish the class of persons who bear it from the Baptists, to whom a submission to the rite of adult baptism is deemed a prerequisite to church membership, but which is not required by the Presbyterians who practise infant baptism.

That the Presbyterian Dissenters in the information mentioned differ in discipline from the ecclesiastical government of some churches recognized as Presbyterian, and amongst the rest that of the Established Church of Scotland ; but that according to the best of their information and belief the churches recognized as Presbyterian have not, as Presbyterian churches, any acknowledged creed. And they believe that amongst the Presbyterian Dissenters of Ireland and the Presbyterians of the Established Church of Geneva, there are many who agree with the Protestant Dissenters now called Unitarians belonging to the sect of English Presbyterians in those points in which such last-mentioned Presbyterians differ from the Presbyterians of the Church of Scotland.

That after the Protestant Dissenters had finally separated themselves from the Established Church of England in consequence of the passing of the Act of Uniformity, they established in various places a form of church government which was called the Presbyterian form of church

government, but that having learnt by experience that it was apt to be perverted into the means of encroachment on religious liberty and the right of private judgment, they have gradually allowed it to fall into disuse.

That the congregations of such Presbyterians are not subject to the form of government which characterizes such Presbyterian churches as have retained the ancient form of church government, and that the periodical meetings of their ministers are not held as formerly for the exercise of any spiritual jurisdiction, but for their mutual encouragement and edification, and that their ministers or preachers are not subject to a presbytery or to a synod.

The defendant Wellbeloved says :

That he doth represent himself and his congregation to be Presbyterian, and that in deeds belonging to the said St Saviour Gate Chapel his predecessors in the pastoral office have been designated ever since the foundation of the said charities as ministers of the Protestant Dissenting or Presbyterian congregation in the City of York. That he is not subject to a presbytery or to a synod, and that his congregation hath not that form of government which characterizes such Presbyterian churches as have retained the ancient form of church government, and that it doth differ in discipline from the ecclesiastical government, and also to some extent in doctrine from the acknowledged creed of some churches recognized as Presbyterian, and amongst others from those of the Established Church in Scotland, but that it agrees in doctrine and discipline so far as such doctrine and discipline are defined or ascertained with other Presbyterian churches in England, and in doctrine, but not in discipline, with the Established Presbyterian Church in Geneva, and with some of the recognized Presbyterian Churches in Ireland.

All the defendants say :

That the Monthly Repository in the amended information mentioned was established, as appears by the preface to the first volume thereof, to afford the means of free and impartial theological inquiry and discussion, and they believe that it has been always open to the communication of persons of different religious persuasions, and that various widely different opinions have from time to time been advanced by the various writers therein, and that the opinions maintained and the feelings manifested therein are to be considered only as those of the writers of the several communications.

That at the date of the report of the British and Foreign Unitarian Association the said periodical was in the hands of the said association, and the said association was desirous of making it the organ of their opinions and feelings, but by reason of the great diversity of opinions amongst the members of the said association, and also amongst the con-

tributors to the said periodical, the said association found it impossible to accomplish their desired object, and they subsequently disposed of their property in the said periodical, and it now is in the hands and is the sole property of an individual, and it is not in the hands of the said Foreign and British Unitarian Association, and is not commonly considered or believed to be the organ of their opinions and feelings, and the defendants are unable to answer as to their belief or otherwise, whether the said Monthly Repository is commonly reported to be, and called The Unitarian Periodical, and although it may be so called by some persons, such name is, they believe, wholly unauthorized.

The Grand Trustees, except Mr Gaskell, who was absent on the 25th April, 1832, put in an answer to the amended information to the same effect as Mr Wellbeloved's.

These answers were also decided to be insufficient, and on the 30th October, 1832, the Grand Trustees, except Mr Gaskell who was abroad, filed a further answer to the amended information. That except as they had stated in the answer to the amended information, they could not say whether the Grand Trustees and the sub-trustees, except the two Heywoods John Wood and Palmes were, in their religious belief, what was commonly called Unitarian, or attended a chapel so called, or where doctrines so called were preached, or whether Wellbeloved and Kenrick were what was commonly called Unitarian ministers, or preached what was commonly called Unitarian doctrines.

But the two Shores (the only Grand Trustees alleged to be Unitarians) say :

That the Dissenters in the information styled the sect class or denomination of Christians commonly called Unitarians, do reject as unscriptural the doctrine of the Trinity of persons in the Deity in the sense in which that doctrine is received by many other classes of Christians. However they believe it to be true that many members of the Church of England, and of other sects not commonly called Unitarians, receive the doctrine of a Trinity of persons in the Deity as denoting the different relations in which the Deity stands, or the characters in which he manifests himself to his creatures (that is to say) as God the Creator, God the Redeemer, and God the Sanctifier of his creatures, and in the sense aforesaid they believe that many of the Dissenters commonly called Unitarians do not reject as unscriptural the doctrine of the Trinity of persons in the Deity.

That the Unitarians do reject as unscriptural the doctrine of the incarnation or true and perfect divinity of the person of the Son of God in the sense in which that doctrine is received by many other classes of Christians, and the doctrine that the Son of God is the second person in the Trinity, equal with the Father. However they receive as scriptural

the doctrine that the Word was made flesh, and dwelt among us, and they also believe, according to Mr Bowles's Catechism, that our Lord Jesus Christ is the Son of God manifest in the flesh, and also that in him dwelt the fulness of the Godhead bodily, and they receive all that is contained in the Scriptures concerning the person and office of the Son of God.

That the Unitarians reject as unscriptural the doctrine of the divinity and personality of the Holy Ghost or Holy Spirit, as the third person in the blessed Trinity, and equal with the Father and Son, in the sense in which that doctrine is received by many other classes of Christians. However they believe the Holy Ghost or Holy Spirit to be divine, and that, in the sense of the term person hereinbefore explained, they receive as scriptural the doctrine of the divinity and personality of the Holy Ghost as the third person in the Trinity.

That Unitarians reject as unscriptural the doctrine of the forgiveness of sins and salvation through the merit of the atonement, and the doctrine of the atonement or satisfaction for sin made by the death of Christ, in the sense in which those doctrines are received by many other classes of Christians. However they do not reject the doctrine of the atonement, nor the forgiveness of sins and salvation by the atonement received through our Lord Jesus Christ, but on the contrary they receive the same as scriptural, and they receive all that is contained in the Scriptures as the terms of pardon and acceptance with God.

That Unitarians reject as unscriptural the doctrine that Jesus Christ is really and truly God, and as such the proper object of religious worship. However they receive all that is contained in the Scriptures concerning the character, person, and office of Jesus Christ, and they believe, according to the words of Mr Bowles's Catechism, that prayer is an address to God in the name of Jesus Christ.

That Unitarians do many of them reject as unscriptural the doctrine of Original Sin, or that man is born in such a state that if he were to die in the condition in which he was born and bred he would perish everlastingly, but whether they all reject such doctrines these defendants are unable to answer. However Unitarians believe that man is by nature frail and liable to fall into sin, but not that he will perish everlastingly for any sin of his birth if he have not knowingly and wilfully transgressed the commands of God.

That Unitarians have not any articles or form of belief drawn out and generally received among them as a sect or denomination, and that in matters of religious belief they acknowledge no other standard than the Scriptures themselves, and the defendants deem it impossible, therefore, to speak with certainty as to the doctrines held by Unitarians. And what these defendants have answered respecting the doctrines

rejected as unscriptural or received as scriptural by Unitarians, they desire to be understood as speaking only to what they respectively have gathered to be the opinions of Unitarians from the writings or conversations of individuals calling themselves or professing themselves to be Unitarians.

The sub-trustees put in an answer to that effect on 31st October, 1832, and Mr Gaskell, who had been abroad, filed one answer to the same effect as the two answers of his co-trustees to the amended information.

The relators after the last answer abandoned all attempts to obtain from the defendants a satisfactory statement of their faith, and examined as witnesses to prove the religious opinions of the present Socinians and the Presbyterians of Lady Hewley's day, Dr. Pye Smith, and Dr. James Bennett of London, Dr. Wardlaw of Glasgow, the Rev. Thomas Scales of Leeds, the Rev. James Turner of Knutsford, and the Rev. William Manning Walker of Preston, who had been brought up among the Socinians. Mr Walker, with the Rev. William Hincks, Mathematical Tutor at Manchester College, the Rev. J. Grundy of Liverpool (see p. 249) and Mr Samuel Darbyshire, Solicitor of Manchester, partner of Mr Kay (p. 249) were examined to prove particulars and reports of Manchester College or the Unitarian Association, and that several of the defendants were subscribers to one or other Institution; and one or other of the Trinitarian witnesses already mentioned deposed that many of the names comprised in the 1830 list of beneficiaries were Unitarians. Mr Brown, a resident of York was called to prove that he had attended St. Saviour Gate Chapel as a Unitarian place of worship.

Mr Hincks, Mathematical Tutor of Manchester College, then at York, gave the following extraordinary evidence : He was not acquainted with the reputed origin or history of the meeting-house in St. Saviour Gate, York, or the congregations attending there, except only he had heard they were Presbyterian congregations. He could not say whether that meeting-house and congregation were reputed to be Unitarian. He habitually attended divine service there. He could not say whether he ever heard the preaching and doctrine, or the sermon delivered such as he should call a Trinitarian sermon or otherwise, but he believed he had generally heard Mr Wellbeloved and Mr Kenrick preach what he considered to be Unitarian doctrines. The true effect and principal tenor of their preaching was to enforce a reverence for the Holy Scriptures as the Word of God ; that our Lord Jesus Christ is the Son of God, and

the Saviour of the world ; that all men should honour the Son as they honour the Father by obeying his commandments, and that He will come to judge the living and the dead. He could state no more on the subject except that never having heard them use the term Trinity or speak of Jesus Christ as God the Son, he considered the doctrines so taught were what would be called Unitarian doctrines. To another interrogatory he said he did not know whether they were commonly reputed to be Unitarian ministers, and he had not heard either of them officiate as minister or preacher in a meeting-house reputed to be a Unitarian meeting-house, and he was unable to say whether he had heard either of them in a meeting-house before an assembled congregation preach doctrines commonly reputed to be the peculiar doctrines of Unitarians, for he did not know what were commonly reputed to be Unitarian doctrines. That not knowing what was meant by the class sect denomination or association commonly called Unitarians, he was unable to say whether the Messrs. Shore, Gaskell, and Bealby were of it, but he believed them to be Presbyterian Dissenters. That he was not accustomed to call them Unitarians, but might have called them so, but he had never to his knowledge spoken to them as Unitarians. There was another word, appellation, or epithet, which he was able to make use of or employ to express the sentiments which he supposed they held, viz., Presbyterian Dissenter, which term as used in England since the Act of Uniformity, he understood to denote congregations of Christians who had no distinct creed, and recognized no catechism, choosing to express their doctrines only in the words of Scripture, each individual minister or member being entitled to form his own judgment and none being excluded from the Lord's table or otherwise in consequence of any difference of opinion amongst them, but they had no classis or synod, nor did they regard the ordination of ministers by presbyters as necessary to the exercise of the ministerial functions, but on the contrary disclaimed such ordination altogether. That he used the words Presbyterian Dissenters for the purpose of expressing what he supposed to be the religious sentiments of the parties aforesaid. That he did not recollect to have ever heard the last-mentioned defendants call themselves or speak of themselves as being Unitarians, or heard any of them profess or utter any doctrines professed by Unitarian Christians and opposed to the religious belief of any other classes of Dissenters. That Manchester College was a proper college or school for the education of Dissenting Ministers of those classes of Dissenters who approved of the unbiassed study of the Scriptures in the original languages, but that it was not a proper college for the education of Dissenting ministers of those classes of Dissenters who required the inculcation of some particular system of doctrines. That the Manchester College was in practice

and as then conducted, an establishment for the education of Divinity Students of that class of Dissenters in particular which he called Presbyterians, explained as aforesaid, and that it was one of the objects of it in practice, and as then conducted, to preserve a succession of regularly well educated ministers of the Presbyterian class of Dissenters in particular, explained as aforesaid. That it was not a college or school for the education of Dissenting ministers of the class of Dissenters commonly called Unitarians. That it was chiefly supported by Presbyterians as before explained, and he believed not by the Dissenters commonly called Unitarians, and that his reason for so stating was, that as a class the Unitarians did not, he believed, support it. He refused to answer whether divers, or some, and what, reputed Unitarian ministers had been educated there. He said that T. C. Holland and B. Mardon, A.M., mentioned in a list of Dissenting ministers contained in a Report of Manchester College, were, he believed, commonly reputed to be Unitarian ministers, as he found them inserted in such list in connexion with congregations reputed Unitarian, they having assembled as such for ten years and upwards. He refused to answer whether any Dissenting ministers in that list whom he had characterized as Presbyterians were Unitarians.

He admitted however that there was a peculiar doctrine held by the Trinitarian Christian which was disbelieved and deemed to be unscriptural by the Unitarian Christian. That the doctrine of a Trinity of Persons in the Godhead, and a belief in God the Father, God the Son, and God the Holy Ghost, Three Persons in One God, as taught by the Trinitarians, was deemed unscriptural by the Unitarian Christians. That all Unitarians did not, but that Unitarians in England generally did, strictly confine their worship to God the Father.

Mr Hincks's evidence will be referred to again in connexion with a pamphlet he published in reference to Mr Knight's remarks upon it. It is fairly extracted here in his own words, though all the words used are not given.

The Rev. John Grundy on the other hand stated that Mr Wellbeloved and Mr Kenrick were commonly called, considered, and reputed to be Unitarian ministers, and that he must have heard them set forth Unitarian doctrines. That the two Messrs. Shore and Mr Gaskell were Unitarians, and he was accustomed to speak of them as such. That he himself was not accustomed to employ the word Presbyterian to express the belief of Unitarians, but it was he considered the legal term by which alone the Unitarians were acknowledged, and there was no word except Unitarian by which he was able to express that belief.

Mr Samuel Duckenfield Darbyshire, Solicitor of Manchester, deposed that Mr Wellbeloved and Mr Kenrick were commonly called



Unitarian ministers, and that the chapel in Cross Street, Manchester, was called Presbyterian, and that in Mosley Street Unitarian. [The latter had been built of late years.]

The following sermons or other compositions delivered or preached either by Mr Wellbeloved or Mr Kenrick, or preached on behalf of, or published by, the Unitarian Association, were proved by one or other of the witnesses already mentioned.

Sermons by Mr Wellbeloved, preached in 1799, 1823, and 1825, entitled "The principles of Roman Catholics and Unitarians contrasted," "Unitarians not guilty of denying the Lord that bought them," and "A sermon in aid of a subscription for the erection of a Unitarian Chapel at Calcutta."

Sermons by Mr Kenrick, preached in 1817 and 1827, entitled "Unitarianism the essence of vital Christianity," and "Obstacles to the diffusion of Unitarianism and the prospect of their removal."

A sermon preached in 1810, entitled "A brief view of the grounds of Dissent from the Church of England by law established," and "The Unitarian's appeal," 1829, both by Dr. Lant Carpenter.

An address by the Rev. G. W. Wawne of Taunton, delivered in 1825, entitled "Unitarian Christianity compared with reputed Orthodoxy."

A sermon by the Rev. William Turner of Newcastle-upon-Tyne, preached in 1827, on behalf of the British and Foreign Unitarian Association.

"The Unitarian's Creed," from Mr Aspland's "Plea for Unitarianism."

"Unitarianism vindicated by the precepts and example of Jesus Christ," by Dr. Southwood Smith, 1834.

In Mr Wellbeloved's sermon of 1823, these sentences occur :

"With the doctrines concerning the Deity of Christ, we also reject as equally unscriptural those, which other Christian sects hold to be of such vital importance, relating to his office, and the design and consequences of his death. We see nothing in the pages either of the Old or New Testament to justify the doctrines which are generally deemed orthodox relating to Original Sin, the total corruption of human nature, the moral impotency of man, or the means of obtaining the Divine favour. We cannot adopt, because they appear unsupported by the authority of Scripture, the notions which generally prevail concerning the doctrine of atonement, and much less those concerning satisfaction, imputed righteousness, and the efficacy of the merits of Christ. But it will be said that we deny his Deity, [that is, the Deity of Christ], we refuse to acknowledge him as the second person of the Godhead, we do not allow him to be one God with the Father, co-eternal and co-equal, or even God of God; we confess the

man, Christ Jesus, but deny him as that incarnate suffering and dying God, which he is believed to have been by all others who bear his name. True we do deny the Jesus of the Athanasian and the Nicene creeds ; of the liturgy, and the articles of the Established Church ; of the confessions of faith adopted by almost all the churches of Christendom "

Mr Kenrick's sermon of 1827 contains the following passages :

"If others have established a distinction between those essential articles of faith, which cannot be rejected without perdition, and the non-essentials, on which men may safely differ, we at least gain little by the relaxation, for I know of no church which does not regard as essentials those articles which our name implies that we reject.

"We are convinced that no doctrines can ultimately prevail among a people allowed to think and examine for themselves which like transubstantiation involve a sensible absurdity, or like the Trinity a metaphysical contradiction, or like the doctrine of the atonement in its genuine form, are utterly repugnant to what nature shews and reason proves of the moral attributes of God. The surrender of their understandings is a price which men will not long consent to pay for the belief of any system of theology."

The Rev. Joseph Ashworth proved the Rossendale memorial, and the wills of Sir John and Lady Hewley and Dr. Coulton were put in evidence.

In fact the evidence of the relators was, except a few sentences as to Mr Bowles's creed, and the opinions of the Presbyterians of the Revolution, devoted to proving the belief of the "Unitarians," which, proclaimed without scruple on all other occasions, was carefully concealed and mystified in all the suits.

But the chief evidence presented to the court at the hearing, by the counsel, consisted of extracts from the writings of the old Presbyterian divines, which had been collected by Mr Joshua Wilson, and which in the Lords were read from his Historical Inquiry without having been proved. It has not been necessary to introduce many of them into this volume. On the other hand, though the quotations from old authors by the defendants were very numerous, they were all taken from the Proofs and, if the writers cited were Presbyterian, they have with very few if any exceptions, been printed in the foregoing pages. These extracts were treated as proofs, as the relators' counsel claimed a right to comment on any passage quoted for the first time in the Reply.

The defendants in the English suits did not go into evidence.

The cause was before Vice-Chancellor Shadwell on the 17th, 18th, 19th, and 23rd December, 1833.

The relators had such respect for the name of Heywood as to propose that Mr John Pemberton Heywood should be retained as a trustee, and the stout old gentleman having refused to be separated from his friends, the offer and its refusal are stated in the decree. Sir John Campbell, with singular and characteristic taste and fairness, on the appeal to the House of Lords, urged this offer as a reason against the removal of any of the trustees, on the ground that none of them had any disqualification for the office other than those which Mr Heywood shared with them.

The relators' counsel also voluntarily suggested to the court to order that the trustees should receive from the estate, not only their costs of the suit strictly so called, but also all other expenses which they had incurred respecting it. We shall see how this liberality also was repaid.

His Honour gave judgment as soon as the reply was concluded and the following (some time afterwards) printed with his approbation, is the substance of what he said :

Before stating my opinion upon the trust, I must first of all say, that I should be extremely sorry if any person entertained an opinion that I thought harshly of the Unitarians as a body ; because it has happened to me to have had intercourse with various persons, from the earliest part of my life, and whom I have known for many years, who are of that persuasion, and with whom I have lived with great cordiality and friendship ; but it does not appear to me that the question in this case to be determined is, whether they were properly called Christians or not ;\* but whether it was consistent with what appeared on the trust deeds of Lady Hewley, having regard to such evidence as had been produced of what her sentiments were, that the Unitarians could be allowed to participate in the benefit of her charity ; she having stated, that the first trust was for 'poor and godly preachers, for the time being, of Christ's holy gospel,' and then repeating phrases which evidently showed that she alluded to the same sort of persons who might happen to be widows of persons, or exhibitioners, and so on, as would fall under the first denomination.

The will of Sir J. Hewley has been put in, which commenced with the

\* 'When the discussions arose as to fellowship with Socinians in the Bible Society the Vice-Chancellor spoke at the annual meeting in London against their exclusion, contending that they were entitled to be styled christians. He was himself a religious man, and shewed his deep sense of the importance of this suit, and his responsibility in having to decide it, and we shall see how this operated at one stage of the proceedings.'

following words (see p. 227). I must here remark the manner in which the will was witnessed : ' Witness my hand and seal, 24th of June, in the year of our Lord God, 1682 ;' and therefore I consider that the will testified, from the beginning to the end, his belief in the divinity of the Redeemer.

I must now refer to the words of the will of Mrs Sarah Hewley (see p. 227). The natural inference from this will was, that she not only believed in the divinity of the Redeemer, but looked for salvation through his merits, in that sense in which the Church of England understood that he was the Redeemer, 'that he had paid the price,' and that for the price which he had paid, God would be pleased to forgive the sins of all that turned unto him.

The next document is the will of Dr. Colton : he also had used similar phrases (see p. 176). He, it was to be remarked, was one of Lady Hewley's trustees, and was the person that preached at St. Saviour's Chapel, where she attended during her life, and he preached her funeral sermon.

Then, looking at the words of the deed, I am necessarily driven (inasmuch as the rules were directed by the deed to be observed) to a consideration of Bowles's Catechism, which, according to the rules, the poor almspeople were directed to repeat ; and for the purpose of determining the question before me, I am bound, not merely to consider the questions and answers, but also the texts in the margin, which are manifestly referred to in support of the answers. One question was : ' What was the sin of our first parents ?—Eating the forbidden fruit.—What was the fruit of that eating ?—It filled the world with sin and sorrow.—In what condition is the posterity of our first parents born ?—In a sinful and miserable condition.'—That last answer comprehended all the posterity of Adam.—' Wast thou born in that condition ?—Yea, I was conceived in sin, and am by nature a child of wrath, as well as others.—What is Jesus Christ ?—The Son of God manifest in the flesh.'—Now that answer referred to that very singular verse at the end of the third chapter of St. Paul's Epistle to Timothy, which, according to the translation of the Scripture used at that time, could not leave a doubt in the mind of any person as to the divinity of the Redeemer, because, according to the received translation, it was put in this way : ' And without controversy great is the mystery of godliness ; God was manifested in the flesh, justified in the spirit, seen of angels, preached unto the Gentiles, believed on in the world, received up into glory.' Now, no man could doubt that this text was intended to convey the only conclusion that could be formed, which was, that not merely the office and mission of our Saviour were divine, as stated in the answers of the defendants, but that his person was divine.

It then went on in another part: 'In what order doth God work faith by the word?—First he shows men their sins, and then their Saviour.—Why does he observe this order?—That Christ may be the more precious to the soul?—How doth faith work love?—It lays hold upon the infinite love of Christ, and works a mutual love in us.'—Now that expression, 'the infinite love of Christ,' of necessity conveyed the notion that he was divine, for none but a divine being could have infinite love. Persons might appeal to their own common reading and observations of what passed every day, and I appeal to the testimony given before the committee of the Lords and Commons upon the state of Ireland, for proof of this proposition, that the Presbyterians do hold that the only effectual view of religion, for the purpose of softening the hearts of men, and turning them to God, is the view of the Father's love in sending his Son to appear upon earth, and suffer as a man. That was the very view which was taken by a pious Presbyterian minister, who was examined with regard to the *Regium Donum* at Belfast.

Now the first donation in Lady Hewley's trust was to 'poor and godly preachers of Christ's holy gospel.' I cannot but suppose, as she was not a Conformist, that she did mean those persons, not being members of the Church of England, who did entertain, among others, the firmest belief in the divinity of our Redeemer's person, in the necessity of the sacrifice he made, because of the universality of sin, commonly called Original Sin; and that she would, as Sir Edward Sugden has stated with great propriety, have shaken with horror at the notion of her charity being given to the sustenance of persons, who not only disbelieved these two doctrines, but who actually preached against them. It has also been argued (and I must say I do not remember a case which has been argued with more ingenuity and ability by all the members of the bar concerned in it), that the principal object of this lady was to support poor ministers, widows of poor ministers, and the other persons included in her trust deed, who would themselves be the supporters of what was called the great doctrine of the Presbyterians, that sort of unrestrained method of disseminating the faith which would not submit to be bound by any test or creed, or by anything except the words of Scripture.

Now, the book mentioned in the Catalogue of Books at the end of the sixth report of the Unitarian Society, which was called an Improved Version of the New Testament, afforded a strong inference that persons who would assist the publication of it cannot come under the description of 'poor and godly preachers of Christ's holy gospel,' even according to the view which had been taken of those words by the defendants' counsel. Surely it is immaterial whether a creed is expressed in a form of words, or whether a thing called a translation is propounded to mankind

which refuses to give the literal sense of words and, in lieu of words expressing the literal sense of the words in the original text, substitutes other words. Where the literal meaning of a word was doubtful, translators might place one word in the text of the translation and another in the margin, in order that a choice might be made; and many cases may be imagined in which the idiom of the English language would not permit the literal rendering of word for word from the Greek or the Hebrew; but where persons had obviously and systematically gone out of the plain way, and had chosen not to give the literal meaning, but to give an assumed and arbitrary meaning, for the purpose of misleading the ignorant reader, those persons must be considered as in effect imposing a creed upon the reader, and not giving him the benefit of judging for himself by means of the pure word of Scripture. I make this observation in consequence of the translation given in that book of the first chapter of the Epistle of Paul to the Hebrews; for it appears most clearly, that the persons who composed the translation did not intend, when they made what they called a translation, to render that first chapter literally, but did intend to infuse a creed. A comparison of the text in Griesbach with the new version would make this plain. The text began thus: *πολυμερῶς καὶ πολυτρόπως πάλαι ὁ Θεός*. And the translation was, 'God, who in several parts and in several manners formerly spake to our fathers by the prophets.' Now, I do not mean to say that they have not translated the word *πολυμερῶς* properly; it might refer to many parts of space, or many parts of time. Our authorized translation was 'God, who at sundry times.' These new translators, however, thought proper to give themselves the character of extreme accuracy, by not adopting that which was good enough, but apparently selecting something which they thought better. The translation then proceeds: 'In the last of these days hath spoken to us by his Son, whom he hath appointed heir of all things, for whom also he constituted the ages.' Now, the words in the original were (according to Griesbach)—*δι' οὗ καὶ τοὺς αἰῶνας ἐποίησεν*. Feeling themselves, therefore, a little pushed hard when they translate *δι' οὗ* 'for whom,' they have recourse to a note, by which it appeared that two or three persons had fancied that might be the proper translation. Supposing it to be so, it appeared to show a very great intention to be extremely correct, though it certainly was not the received translation; nor do I think that any Greek scholar, unless he were previously biased in favour of a particular theory, would dream that such was the proper translation. The original text then proceeds: *ὅς ἐστιν ἀπαύγασμα τῆς δόξης, καὶ χαρακὴρ τῆς ὑποστάσεως αὐτοῦ*. And what was the pretended accurate translation of these words? 'Who being a ray of his brightness, and an image of his perfections'—*χαρακὴρ τῆς ὑποστάσεως αὐτοῦ*, an image of his perfections! I was per-

fectly astonished, and could hardly have conceived it possible, before I had read it, that any person could have ventured to call this an improved version of the Scriptures, which has rendered the word *ὑποστάσις* 'perfections.' It was perfectly plain, in that passage, the parties never meant to give a translation, but that they meant to fetter the understanding of the reader by imposing their creed in the shape of a translation. They then said—'and ruling all things by his powerful word,'—*φέρων τε τὰ πάντα τῷ ῥήματι τῆς δυνάμεως αὐτοῦ*. They might as well have said, 'by the word of his power;' but they did not choose to give the literal translation; they chose rather to substitute words of their own, which might express the sense, but which it was quite clear did not express the literal meaning. To this they annex a meagre note, in which they first give their view of the meaning of the words, and then add the literal translation from the Greek. The translation then proceeds, 'for to which of those messengers spake God at any time, Thou art my Son, this day I have adopted thee!' The passage they meant to translate was, *τίμι γὰρ εἰπέ ποτε τῶν ἀγγέλων, Υἱός μου εἰ σὺ, ἐγὼ σήμερον γεγέννηκά σε*; there was not the slightest pretence to translate the word *γεγέννηκα* 'I have adopted.'

The defendants' counsel had read passages from Locke's Essay on the Reasonableness of Christianity, in which he states that by the terms 'Son of God' the Jews understood the Messiah. And so they did: for in the second Psalm it is said, 'The rulers take counsel together against Jehovah and against his Messiah.' And shortly afterwards: 'I will declare the decree: Jehovah said unto me, Thou (art) my Son; this day have I begotten thee.' The word in the Hebrew which thus represents something incomprehensible with regard to the Divine nature, but which of necessity conveys to the human mind the notion of the relation that subsists between Father and Son, is uniformly translated in the Septuagint by the word *γεγέννηκα* when applied to a father. It is the word which several times occurs in the fifth chapter of Genesis, in which there was a detailed account of the births of all the antediluvian patriarchs given in succession; the very verb used in the second Psalm was the verb used in that chapter, and the word used in the Septuagint was quoted by St. Paul.

The gentlemen who had translated the Unitarian Testament had made it plain on the face of it that they meant to establish a doctrine, that our Saviour was not begotten in that sense in which the term was taken by the Church of England, and by the orthodox Dissenters, as they were called, to signify some divine operation, by means of which the nature of the Redeemer was the same as that of the Father. That they meant to oppose. And for the purpose of avoiding the inference which might be made in the mind of an unlearned reader, they wilfully

altered the word, and substituted a creed instead of a translation. And it is to be observed, that with respect to these important words, for the first time obtruded on the notice of the world, 'an image of his perfections,' and 'adopted,' the translators have not thought it right to add a note, or give the least hint to the unlearned reader that the translation is at all unusual, or in the least degree doubtful; though the notes upon the words 'for whom' and 'his powerful word,' and the singular expression 'in several parts,' would induce an unlearned person to think that the new translators were minutely scrupulous and fastidiously accurate, and he would put confidence in them accordingly. The translation then goes on: 'And let all the messengers of God pay homage to him: and of these messengers *the Scripture saith*.' Now, it was to be observed, that here the words 'the Scripture' were both in *italics*, as they ought to be if they were introduced at all, because there were no words corresponding with them in the original. The word 'saith' evidently referred, as it appeared from their own translation, to God; but they chose to vary the phrase by saying first, '*God saith*,' and then 'the Scripture saith,' which seems an alteration not only without any necessity, but totally unjustifiable. Then they said, 'And of these messengers the Scripture saith, Who maketh the wind his messengers, and flames of lightning his ministers.' It is truly astonishing to find such a translation as 'flames of lightning' given to the words *πυρὸς φλόγα*, which could not admit of that translation. It might be said that was what was intended, but certainly that was not said. They translated, 'God is thy throne for ever and ever; a sceptre of rectitude *is* the sceptre of thy kingdom;' and it might perhaps be true that that translation was right, though the commonly received translation is apparently less forced and more natural; but there was this observation to be made upon it: that they had introduced in the mode of printing, as it stood in their version, the first word 'is' not in *italics*, and the second word '*is*' in *italics*. The unlearned reader would therefore, of course, consider the first word 'is' as the rendering of a word found in the original text, and the second word '*is*' as a word supplied by the translators, there being no corresponding word in the original text. If in the original, either of the Hebrew or Greek text, there were a word corresponding with 'is' between the words corresponding with 'God' and 'thy throne,' it would be difficult to avoid adopting the new translation. But there is not any such word either in the Hebrew or in the Greek. Here, then, is an attempt to support a translation altogether novel by an interpolation totally unauthorized.

There is but one more observation to be made on the translation. The new translators having in the first instance translated the passage,



'Ο ποιῶν τοὺς ἀγγέλους αὐτοῦ πνεύματα, 'who maketh the winds his messenger,' said at the end 'are they not all servants?' by way of translating οὐχὶ πάντες εἰσὶ λειτουργικὰ πνεύματα; supposing them to be right in the first instance in translating it 'winds his messengers,' it was clear they ought in the latter part to have said 'are they not all ministering winds?' (λειτουργικὰ πνεύματα), to be consistent with themselves: at any rate, if they thought proper to change the phrase, and translate the word πνεύματα 'wind' first, and afterwards 'spirits,' they should have translated it 'ministering spirits,' which would have the sense of servants; but still it would be a correct translation, which theirs was not. I have taken this as a specimen of the whole; I have looked at a variety of passages, and I do not remember to have seen any translation which could be considered more unsatisfactory, more arbitrary, more fanciful, more foolish, and, I am sorry to say, more false, than this thing called by the Unitarians an improved version; and sure am I, that Lady Hewley would have thought it the worst calamity that could have happened to her, that persons should be considered entitled to participate in her charity, professing to call themselves 'godly preachers of Christ's holy gospel,' who would give their sanction to the publication of such a work as that. For the reasons I have assigned, she would, if the matter had been duly explained to her, have seen that it militated against that principle which the defendants' counsel said was the principle on which she desired her charity to be administered, namely, the principle of free discussion, without creed, and by appealing only to the Scriptures as they stood.

There is a vast number of other passages; but it is perfectly useless to go through them. One remark, however, may be made upon the criticism of the new translators. They print in italics the latter part of the first, and the whole of the second chapter of St. Matthew, and the whole of the second chapter, and all the first chapter of St. Luke, except the four first introductory verses; and this they do, as they tell us, in the notes in p. 2, and p. 111, because those chapters and parts of chapters are to be considered as of doubtful authority, though they are to be found in all the manuscripts and versions which are now extant. In the progress of improvement, it may be discovered, that no parts of Scripture are genuine and authentic, except the first verse of Genesis and the last of Revelation; and, according to the argument for the defendants, the preachers upon those two verses only, might still be considered as 'godly preachers for the time being of Christ's holy gospel,' within the intent and meaning of Lady Hewley's trust deeds. I find, by the evidence, that Mr Wellbeloved and Mr Kenrick, and some third trustee, were subscribers to the institution called the Unitarian Society, which enumerated amongst the books it circulated this improved version

of the Scriptures, as it was called ; and my opinion is, that the question being, not who should participate, but what given individuals should be excluded, it is satisfactorily made out that no person who believes as Mr Wellbeloved has stated in his sermon he believes, or who acts as Mr Wellbeloved has acted with regard to supporting that Unitarian Society which had published such a book as the Improved Version, could be considered as entitled to share in the charity of Lady Hewley.

Therefore I think it clear, that no stipend ought to be continued to Mr Wellbeloved, or to any person preaching the doctrines he does ; and it is also clear, that the charity itself cannot be administered according to the intention of Lady Hewley, at least there is no reasonable security that it can be administered according to her intention, if it is allowed to remain in the hands of persons who thought as he did, and who had acted as he had. I have no evidence whatever to induce me to believe that he had anything to do with the Improved Version, more than in assisting by his subscription the publication of it ; nor have I ever heard, nor have I the slightest conception, who were the fabricators of the book ; but I am quite certain Lady Hewley never would have thought this book did contain Christ's holy gospel, or that the persons who disseminated this book were to be considered disseminators of Christ's holy gospel.

Therefore, my decree must, in substance, declare, that no persons who deny the Divinity of our Saviour's person, and who deny the doctrine of Original Sin, as it is generally understood, are entitled to participate in Lady Hewley's charity ; and that the first set of trustees must be removed.

It is sufficiently manifest that this lady never intended that there should be trustees of one sort to administer the dealing out of the funds amongst the persons who were named in the first deed, and trustees of a second sort to superintend the hospital which contained the poor alms-women.

I therefore think, that all the trustees who are Dissenters and deny the doctrine of our Saviour's divine person, and the doctrine of Original Sin, must be removed ; and though there is no objection personally to Mr Palmes, yet as it appears that he is a member of the Church of England, he ought not to be continued a trustee.

Of course there was an appeal to the Chancellor, and in July, 1834, it came on before Lord Brougham, who called to his assistance Mr Justice Littledale and Mr Baron Parke. After three days' argument, those Judges left for their circuits, when Sir E. B. Sugden had not replied, and before another day could be fixed Lord Brougham went out of office.

He offered to decide the cause (no doubt with the assistance of his learned assessors) which he could have done by consent after his resignation of the great seal but he could not then sit to hear counsel; and it was determined that Sir Edward Sugden's reply should not be waived, so it became necessary that the cause should be entirely reheard. It will not be considered strange that Lord Brougham's offer was declined when it is understood that, on occasion of the appeal against the allowance of the exceptions to the first answers, his lordship broke out into this eulogium upon Mr Wellbeloved, (he being one of the defendants whose answers were excepted to for not stating his religious opinions), "one of the most virtuous, pious, and learned men who I will venture to say adorn any church. Of his virtue and piety the whole county in which he lives is witness, and especially the congregation that has long benefitted by his labours. I add to my testimony my prayer that they may long benefit under his ministration." This prayer should scarcely have been uttered in the Court of Chancery unless Mr Wellbeloved had been, in the general opinion of the community, "a godly preacher of Christ's holy gospel." It anticipated the whole matter in dispute, for if Mr Wellbeloved was a fit minister for his chapel he was a fit trustee of the charity and, as far as his opinions went, a fit recipient from the fund. Further these words of Lord Brougham were quoted by Sir John Campbell in the House of Lords, in support of his own statement (as Mr Wellbeloved's counsel speaking in his defence) that setting aside error in any of his religious tenets, a more pious man did not exist.\*

His lordship tried at one or both of the hearings before him (and he repeated it in the House of Lords) to alarm the relators into a discontinuance of the suit, by expressing his opinion that the attorney-general, acting for himself, would step in and claim

\* Lord Brougham's eulogy as quoted by the Attorney-General respected Mr Wellbeloved's upholding some point of Socinianism against a dignitary of the Establishment: "The controversy was carried on without the least deviation from the rules of humanity, piety, and charity, exhibiting to the controversial world an example of which their whole history shows polemics stand greatly in need, that learning, sincerity, and zeal may well be united with the most entire forbearance and meekness." His lordship added that Mr Wellbeloved's mastery of his subject and his skill in disputation were so great that he was victor in the contest, "though you and I, Sir Charles, knew that all the while he was wrong." Sir Charles Wetherell had previously stated how much of divinity there was in the case with which the court had to deal, and had suggested that, as he had read was once done in Lord Bacon's time, two doctors of divinity should be brought from the schools to argue it. He took advantage of the mention of Lord

the Hewley estates for the Church. Indeed according to his own account he repeated this when the relators refused to take his judgment when no longer Chancellor, adding, "I know that is the opinion of a number of learned divines upon the subject." Report of the Hearing in the House of Lords, p. 62. This threat was not taken any notice of, often as it was thrown out, except by the counsel for the defendants, who could not be expected to forego such a suggestion from a Judge whom they were addressing, and no other Judge gave it the slightest countenance. Lord Camden when solicitor-general was very positive on that point, though very cautious on others.

The defendants thought so much of Mr C. P. Cooper's speech for Mr Wellbeloved on this occasion that they printed it. He was a very learned and able antiquarian lawyer, and in this speech, and the notes to it, he went into the bibliography of Arianism, so that his speech as printed presents a catalogue of Arian books such as is scarcely to be found elsewhere. In this speech he indulged in a prophecy that we must expect to see a body of Arminian Independents, which has been fulfilled in the Morisonians.

The Congregational Magazine for 1843, at p. 118, contains the following sentences :

When the Solicitor-General, Sir C. Pepys, who was of counsel for the Unitarian trustees of Lady Hewley's charity, was arguing the case of his clients who were defendants in the suit of 'The Attorney-General v. Shore and others,' in a speech of several hours' duration, and delivered with great effect, he endeavoured to shew that in her ladyship's days the Presbyterians were opposed to all religious tests, and entertained sentiments of great liberality towards all sects and all sentiments and doctrines whatever, not excluding even the Unitarians ; but he was interrupted by the Chancellor, Lord Brougham, who emphatically declared :

Bacon's name to say, that since his day the great seal had not been held by a man of Lord Brougham's varied learning, and to take for granted that theology was not omitted from the sciences with which his lordship was acquainted. On the same occasion Lord Brougham much perplexed the usher by saying to him "Usher, if the noise in court does not immediately cease I shall address your successor." His lordship was less happy in a legal illustration, being as yet not well seen in equity. To explain that the law was not to be evaded he stopped Sir Edward Sugden to remark, "Just as we all know that as land cannot be disposed of by a will unless it has three witnesses, so a man cannot by a will, attested by two witnesses only, direct land to be purchased out of his personal estate and settled in any particular way, because you see that would, in fact, be creating interests in land by an unattested will." The answer was "My Lord, that is the very thing I was saying everybody knows a man might do." The reply could only be. "Go on, Sir Edward."

'There never were people more wedded to their own particular dogmas than the Presbyterians (to do them justice) or who were less tolerant to the tenets of other people. I speak with all reverence of those men to whom the liberties of the country and the constitution owe great obligations: though not so great as they owe to the Independents, who were the very founders of the constitution. Whenever the Presbyterian had power he was a very persecuting gentleman. His doctrine was this: Every man has a right to think as he pleases, but no man has a right to think wrong; and he, the Presbyterian, was to judge of that. I assure you that was his way of arguing.'

In a subsequent part of the same speech of this learned counsel his lordship again interposed and said, 'I do not say a word against the Presbyterians, with whom I am nearly connected by blood; and I have a great regard for them.\*' Extracts from Mr Gurney's MS. notes of the hearing on the 28th of June, 1834.

The relators were again so liberal that they obtained an order from the attorney-general as far as he had power to sanction it, that the fees to counsel and other disbursements of the trustees' solicitors, connected with the ineffectual hearing before Lord Brougham, should be paid out of the charity funds.

In April, 1835, the cause came before Lord Lyndhurst, and he followed his predecessors' example, and requested Mr Baron Alderson and Mr Justice Patteson to sit with him. The manner in which they dealt with the theology of the case may be gathered from these extracts from the argument.

The LORD CHANCELLOR.—There is nothing said in Bowles's Cate-

\* His Lordship had previously, in the debate on the case of the missionary Smith, in 1824, pronounced the following eulogy on the Independents: "He (Smith) was an Independent, a minister of that numerous, conscientious, enlightened, and much to be venerated class of religionists, whom all must admire on account of the universal and unqualified toleration they have sanctioned. He was one of that class of men, be it remembered, to whose ancestors this country through all ages, however differently their particular tenets might be viewed by different persons, would owe a mighty debt of gratitude; men, of whom it may with justice be said, that whatever were their excesses, which in the imagination of some excited ridicule, and in the judgment of others blame, had still in the purity of their lives rivalled the earliest professors of Christianity, and possessed the proud triumph, and I will proclaim it, even of having with the zeal of martyrs and the skill and courage of warriors, founded, by combating and conquering for us, the civil and religious liberties we now enjoy. I repeat, they were men who ought to be venerated, because they reached, singly and alone, an eminence of surpassing glory. Their descendants, true to the generous principles of their fathers, still possess in a pre-eminent degree, the enviable distinction of exceeding every other religious persuasion in their principles of toleration: with them it is so absolute and unqualified, at all times so enlarged and extensive, that even the most liberal and enlightened of the other sects have not reached to the same degree of perfection, though I rejoice to say, have made near approaches to it." *Congregational Magazine*, vii, 416.

chism about the Trinity, but there are certain consequences resulting from the doctrine of Unitarianism [Trinitarianism], and inseparable from it; all those are referred to in Bowles's Catechism: the doctrine of the Atonement, for instance.

Mr ROLFE.—I dispute that there is anything about the Trinity.

The LORD CHANCELLOR.—That is involved in it.

Mr ROLFE.—Yes, they say it is, in the opinion of these parties.

The LORD CHANCELLOR.—And Original Sin.

Mr ROLFE.—That is not contained in Bowles's Catechism in the orthodox sense.

Mr KNIGHT.—Yes it is.

Mr ROLFE.—I beg you to observe the distinction as to Original Sin.

Mr KNIGHT.—We have an early print of Bowles's Catechism, an exhibit in the cause.' The year is not given, but it is printed at York, and obviously of considerable antiquity.

Mr ROLFE.—I say that the doctrine of Original Sin not only does not appear in Bowles's Catechism, but there is a studied anxiety to show it does not appear. Now let us see: 'Who made you? God, the Creator of Heaven and Earth.—To what end did he make you? He made me and all things for his glory.—In what condition did he make man? Righteous and happy.—Did man continue in that estate? No: he fell from it by sin.—What is sin? *Transgression* of the Law of God.' That my learned friend knows well, or those who instruct him, would not do at all. That is not Original Sin at all.

The LORD CHANCELLOR.—That is sin generally: that is not it; you should not interpose till you get a little further: 'What was the sin originally committed by our first Parents? The transgression of the Law of God.—What was the first sin of our first Parents? Eating the forbidden fruit.—What was the fruit of that eating? It filled the world with sin and sorrow.—In what condition is the posterity of our first Parents born? In a sinful and miserable condition.—Wast thou born in that condition? Yes, I was conceived in sin, and am by nature a child of wrath as well as others.' That is the doctrine of Original Sin.

Mr KNIGHT.—And the next but one is still stronger.

The LORD CHANCELLOR.—'Hath thy life been better than thy birth? No, I have added sin to sin, and made myself above measure sinful.—What if thou shouldest die in the condition thou was born and bred in?'

Mr ROLFE.—And *bred* in?

The LORD CHANCELLOR.—Yes; 'born and bred in?—I should perish everlastingly.' All that is the known doctrine of Original Sin, the sin of our first Parents causing death to all their posterity; is not that the doctrine?

Mr ROLFE.—Not entirely: it goes a great deal further, I understand.

The LORD CHANCELLOR.—You do not mean that God made man sinful in his original creation?

Mr ROLFE.—No, but it means this, that the doctrine of Original Sin is not the sin that is a *transgression* of the Law of God, but the want of conformity to the Law of God, and that is consequently the answer to question the 14th in the Assembly's Catechism,—‘What is sin? Sin is any *want of conformity* unto or transgression of the Law of God.’ Bowles's Catechism is, ‘What is sin? The *transgression* of the Law of God.’ This is not an unimportant distinction, because this is pointed out by Locke in his Reasonableness of Christianity. He says, ‘I see the consequence of the sin of our first Parents, was to bring death into the world, but as I read the Scriptures, every man's sin is imputed to himself.’

The LORD CHANCELLOR.—I do not see the distinction between sin against the Law of God, and the want of conformity to the Law of God, so far as the act is concerned, because, if you commit an offence against the Law of God, that is a want of conformity to it.

Mr ROLFE.—No doubt; but the being born with a want of conformity to the Law of God is the doctrine of Original Sin; to transgress the Law of God, and thereby commit sin, is very different; but it is quite enough for my argument, without going into those refinements, to show that the Catechism that Lady Hewley pitched upon to show that the alms-bodies were orderly and decent bodies, is the least orthodox of all the then existing Catechisms. Now couple that with the fact—

Mr BARON ALDERSON.—With respect to the distinction you take between the shorter Catechism and Bowles's, in the words, ‘any want of conformity unto,’ the quotation is the same; ‘Whosoever committeth sin transgresseth also the Law, for sin is the transgression of the Law.’ the quotation is the same.

The LORD CHANCELLOR.—The sin of our first Parents was a transgression of the Law of God,—a positive act of disobedience of that Law, and the consequence of that is stamped upon all their posterity: you are born in that condition, and you add sin to sin by subsequent transgressions of your own, or by the want of conformity to the Law of God. You add to the sinful nature of your original state.

Mr ROLFE.—An infant is guilty of sin according to the Assembly's Catechism. I do not see that he is according to Bowles's.

Mr. BARON ALDERSON.—Yes, or how could he be born in a sinful state?

The LORD CHANCELLOR.—‘I am conceived in sin, and am by nature,’ that is, in my nature, ‘a child of wrath.’ Then the next question is,

'Hath thy life been better than thy birth? No, I have added sin to sin;' that is, the actual sin of my own to the Original Sin of my birth.

Mr ROLFE.—There is no doubt that those expressions, exceedingly ambiguous, may admit of such a construction; but it is the Catechism, of all then existing, that in the least degree pointed to those important truths.

The LORD CHANCELLOR.—If you were to ask me, I should say it was as clear as the other: nothing can be clearer; it is as clear as can be, assuming the doctrine.

Mr ROLFE.—As it appears to me so little turns upon it, I will not trouble you further upon this point.

The LORD CHANCELLOR.—Go on to the next doctrine in the 5th page: 'I should perish everlastingly.' That is the doctrine of Original Sin. 'Is there no way to get out of this sinful and miserable state? Yea.—Is it to be done by any power or righteousness of thy own? No; but God in his rich mercy hath appointed a way.—What way hath God appointed? Only by Jesus Christ.—What is Jesus Christ? The Son of God manifest in the flesh.—What hath Jesus Christ done for Man? He hath laid down his life for our redemption.—What further benefit have we by him? Life and salvation.—Shall all men partake of this redemption and salvation? No; there are many who perish notwithstanding.—By what means may a sinner obtain a part in this redemption? By faith in Christ.—What is it to believe? To rely on Jesus Christ, and him alone, for pardon and salvation, according to the Gospel.'

Mr ROLFE.—All those are the doctrines of the Unitarians, every one of them; there is hardly a word here that is not in the words of Scripture; but the fact is, if there is much to be relied upon in Bowles's Catechism—

The LORD CHANCELLOR.—Is not that the doctrine of the Atonement?

Mr ROLFE.—The doctrine of the Atonement, *sub modo*, that all mankind obtain salvation only through Jesus Christ, is the doctrine of the Unitarians as much as these parties. No Unitarians dispute it: it is rather the doctrine of Satisfaction than the Atonement that is disputed by the Unitarians, therefore all the expressions about the blood of Christ—

The LORD CHANCELLOR.—Upon all these points they did wisely in cutting the knot.

Mr ROLFE.—No doubt, my Lord, according to the well-known words,

"Christ took the bread and brake it,  
Christ was the word that spake it,  
And what that word did make it,  
That I believe and take it."

That is the best mode; but the question is whether Bowles's Catechism propounds the doctrine of the Trinity.



The LORD CHANCELLOR.—Those doctrines that flow as a consequence from the doctrine of the Trinity, and which, according to the evidence, the Unitarians reject, are clearly propounded.

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Mr BARON ALDERSON.—You do not refer to the next two questions: ‘How does the Gospel teach us to rely on Christ? So to cast our burden upon him as to take his yoke upon us.—Why hath God appointed faith to this excellent use? Because faith gives him what he looks for, the whole glory of our salvation.’

Mr ROLFE.—Gives *him*!

Mr BARON ALDERSON.—That means Christ. ‘Because faith gives him what he looks for,—the whole glory of our salvation.’ You interpret that to be God: I should understand it to be Christ.

Mr ROLFE.—I should not so have understood it; my attention has not been called to it—it may be so: I do not profess to be able to canvass these things very accurately; I find of all the Catechisms then existing, I believe, upon the last point,—that of the necessity of any peculiar faith being necessary to salvation,—this Catechism is the least strong.

Mr BARON ALDERSON.—What makes it clear to my mind is this, that the word faith is followed by the words faith in Christ, and then the words are, ‘Why hath God appointed faith to this excellent use? Because faith gives him what he looks for,—the whole glory of our salvation.’ There can be no doubt about the meaning of Bowles.

Mr ROLFE.—Now, I was proceeding to state what I consider to be a consideration more important to show what was Lady Hewley’s intention than anything else.

The LORD CHANCELLOR.—It is quite clear that it refers to Christ. ‘What does it give him? The whole glory of our salvation.’

Mr ROLFE.—What is the reference?

Mr BARON ALDERSON.—That will probably explain it. The 2nd of the Ephesians, 8th and 9th.

Mr ROMILLY.—The next question is, ‘How is faith wrought in the soul? By the Word and Spirit of God.’ The text cited is, ‘How then shall they call upon him in whom they have not believed?’

The LORD CHANCELLOR.—Read the 2nd of Ephesians.

Mr KNIGHT.—The 7th verse begins thus: ‘That in the ages to come he might show the exceeding riches of his grace in his kindness towards us through Christ Jesus.’ Then begins the 8th verse: ‘For by grace are ye saved through faith, and that not of yourselves: it is the gift of God: not of works, lest any man should boast, for we are his workmanship, created in Christ Jesus unto good works, which God hath before ordained that we should walk in them.’

Mr BARON ALDERSON.—That might make it rather doubtful.

Mr ROMILLY.—The next question is, 'How is faith wrought into the soul? By the word and Spirit of God.' Romans, 10th chapter 14th verse, 'How then shall they call upon him in whom they have not believed?'

Mr BARON ALDERSON.—Then I think I am wrong in that passage.

Mr ROLFE.—I confess I had not so understood it.

Mr KNIGHT.—I take it that the Catechism means Christ, and that the citation from the Ephesians shows they mean it equivalent to the word of God.

Mr ROLFE.—That is begging the whole question.

Mr KNIGHT.—No : the context shows it means our Saviour.

It happened that as Lord Melbourne's administration was dismissed by William the Fourth while the case was before Lord Brougham, that of Sir Robert Peel was virtually displaced by a vote of the House of Commons, when Lord Lyndhurst had heard only the relators' counsel, Mr Rolfe, on the part of the defendants. The solicitors concerned saw that it would not do to have a third hearing before a Chancellor with the certainty of an appeal to the House of Lords ; and it may have occurred to them that Sir C. C. Pepys, then Master of the Rolls, but who had been leading counsel for the defendants before the Vice-Chancellor and Lord Brougham, would very likely be Chancellor, as he became, being in the meantime one of the Lords Commissioners of the Great Seal. However this might be it was arranged that the counsel for the Grand Trustees only should be heard, they taking charge of the sub-trustees' interests, and that the relators' reply should be given up ; and on this understanding Mr Rolfe and Mr Booth were heard on the 13th and 14th of April, Lord Lyndhurst resigning the seal on the 23rd. This account is taken from the report of the speeches of these gentlemen, and from the shorthand writer's notes of the hearing in the House of Lords. Lord Brougham was not pleased that his offer to determine the case was not accepted. He referred to the matter in his remarks on judgment being given for the dismissal of the final appeal.

This cause was originally heard before me in the Court of Chancery all but the reply. I had the assistance of two learned Judges, though, in consequence of my giving up the great seal before the case was fully argued, no opinion was given, and none indeed was formed by me in the absence of the reply. My noble and learned friend who succeeded me in the Court of Chancery heard the case through according to my

recollections, and gave the judgment which your lordships are now moved by my noble and learned friend near me to affirm.

The hearing before him had, in fact, proceeded further than that before Lord Lyndhurst when they were virtually out of office, so that his lordship's memory, however sensitive, was inaccurate.

The speeches of Mr Rolfe and Mr Booth at this hearing were published by the Socinians. Two points in Mr Booth's speech must be noticed. Notwithstanding the decision of the Vice-Chancellor in favour of the relators and the report of the Charity Commissioners he urged that the information must be dismissed with costs. As Mr Rolfe said nothing of the kind it must be taken that he was not instructed to do so, and Mr Booth's inveteracy can be accounted for only on the supposition that he was embittered by having exceptions for insufficiency allowed as to three sets of answers in succession which he had prepared. He knew what had been suggested by the relators as to the defendants' costs, and one would have thought that common decency would have prevented such remarks, and that so warm a partizan would have felt gratitude on his client's behalf, but notwithstanding the Chancellor had told him, "After the decree of the Vice-Chancellor, you can hardly ask for the information to be dismissed with costs," he went on, "I do not, of course, mean the costs of the appeal, I mean the costs down to the original hearing, supposing your lordship should be of opinion that there was not sufficient ground for the information, and that it was a speculation that has failed, and I should submit a speculation of a character that ought not to be encouraged if it do fail, I submit the usual consequences should attend it."

The other matter was that Mr Booth closed the first part of his argument, that relating to the eligibility of Socinians as beneficiaries of the charity, as follows :

I will conclude by quoting a very eloquent passage characterizing the present proceedings, from a pamphlet I believe in your lordships' hands,\* written by the Rev. Joseph Hunter, one of the class in question. I mean the Presbyterians, and I rejoice to think that he expresses the opinions prevalent among that body, that he expresses the opinions of some of the trustees I have reason to know, and I rejoice to think that

\* This discloses that the defendants had supplied the Judges with copies of Mr Hunter's pamphlet, just as they did the Lords with the Proofs (which was in great part a transcript of it). This method of proceeding was unusual and, most persons will think, most improper.

he expresses the opinions generally prevalent among the English Presbyterians.

**BARON ALDERSON.** What is the page?

**MR BOOTH.** 71. He says he is speaking of the attack I have adverted to.

It comes from that new body of people "who by their numbers have now almost engrossed the term Dissenter, and who are leagued against all that is elevated, all that is dignified, all that is venerable in society. The achievement of this object will best give them courage to attempt that higher object at which, with no equivocal effect, they are aiming at the destruction of the beautiful and venerable fabric of the English Church, and with it the best barrier against fanaticism, an order of enlightened, cultivated, and liberal ministers, who depend not for their existence upon the varying gale of popular favour, or are competent to adapt themselves to the ever-shifting opinions of men less enlightened than themselves."\*

This passage in the speech and in the pamphlet, whether considered as an insult to Independents, or as a paltry attempt to curry favour with the Chancellor, and the church party generally, is an exception to the manner in which the contest was carried on with these defendants. The Independents afterwards found the real Presbyterians much more offensive, while their contest with the Socinian party was carried on as charitably and courteously as could well be in the case of such an attack and such a defence.

The judgment of Lord Lyndhurst was delivered in Gray's Inn Hall, 5th February, 1836.

Mr Baron Alderson read the opinion of himself and Mr Justice Patteson, as follows:

My Lord: My brother Patteson and myself having fully considered this case in which your lordship has desired to have our assistance, and having entirely concurred in our view of it, it becomes my duty to declare our joint opinion, together with the reasons by which we think it may be supported.

His Lordship stated the deeds and Lady Hewley's Rules for the almspeople, and then continued:

\* This paragraph shews that the similar expression in the *Proofs*, supra p. 80, as to Nonconformist ministers, was intended to praise a supposed state of things in which those ministers should be independent of their people. So little respect had this self-chosen champion for the right of congregations (or churches) to choose and remove their ministers, which is the first principle of English Nonconformists.

Now it is contended on behalf of the relators to the present suit, that this charity is to be confined to Protestant Dissenters entertaining a belief in the divinity of our Lord Jesus Christ, in the Atonement, and in the doctrine of Original Sin ; in fact, those who are commonly called orthodox Dissenters, in order to distinguish them from others who entertain different opinions as to these important matters, and who are called in common parlance (though undoubtedly by no very accurate description in that respect) Unitarian Dissenters. In more correct language, perhaps, they should be called believers in the Unity of the Godhead without any distinction of persons therein. For we presume that those who differ with them in this respect equally believe in the unity of the Godhead, although they think (and that from what they consider plain texts of Scripture) that such mysterious unity is not inconsistent with the equally mysterious distinction of persons therein.

If this question at all depended on any investigation of the comparative truth and excellence of these doctrines, or upon a critical examination of texts of Scripture, (the only test to be applied by Protestants in such inquiries,) we should feel that this was not a proper tribunal, and that we were not sufficient for these things. But this case really turns upon a question of fact. If the Unitarian doctrines are consistent with the intention of Lady Hewley, the decision of the Vice-Chancellor is erroneous. If they are inconsistent with it, the declaration he has made, seems to us correct.

The Vice-Chancellor's declaration in substance is, that no persons who deny the divinity of our Saviour's person, and who deny the doctrine of Original Sin as it is generally understood, are entitled to participate in Lady Hewley's charity.

There is no doubt as to the principles which are to govern our opinion ; they are fully laid down and explained in the *Attorney-General v. Pearson and others*, 3 Merivale 400, and may be thus shortly expressed : The Will of the Founder is to be observed.

Then how is the Will of the Founder to be ascertained? If it be expressed clearly in the deed or instrument of foundation, there can be no difficulty.

If expressed in doubtful or general words, recourse must be had to extrinsic circumstances, such as the known opinions of the founder, the existing state of the law, the contemporaneous usage, or the like.

Upon these principles, then, we proceed to consider the case. We may begin by laying the Church of England out of the question ; for, although Lord Eldon says that a bequest for the worship of God would, *primâ facie*, be one to the Established Church, yet it is quite clear from all the documents in this case, that this foundation was in favour of some class or classes of persons dissenting from the Church.

This point has not been disputed. But then this question arises, Who are the Dissenters whom Lady Hewley intended to benefit?

The provision is fourfold. First, in favour of poor and godly preachers for the time being of Christ's holy gospel. Secondly, of poor and godly widows for the time being of poor and godly preachers for the time being of Christ's holy gospel. Thirdly, for the distribution of sums of money to encourage and promote the preaching in poor places of Christ's holy gospel, and for the education of young men designed for the ministry of Christ's holy gospel; and, lastly, for the relief of such godly persons in distress as were fit objects of her charity.

It is clear from this, that this pious lady had directly in view the encouragement of the preaching of the gospel by Protestant Dissenters, and that in three ways.

First, by provision to preachers and to their widows. Secondly, by direct gifts of money for building places of worship or endowing them where built in places not otherwise able to support a minister. Thirdly, for the education of youth for the same Godly purpose.

These three objects have plainly in view the propagation of some doctrines which she deemed to be of importance to the souls of men, and her fourth object was in complete accordance with the three others, being in truth the relief of the professors of the same doctrines, in case, from their narrow circumstances or unforeseen calamities, they should be reduced to pecuniary distress. What, then, were the doctrines in question? *Primâ facie*, these would surely be the doctrines which she herself conscientiously entertained, and there is no reasonable doubt what those doctrines must have been. But she has more particularly described in her second deed, and in the rules she herself formed, one class, viz., the poor pious widows whom she deemed to be fit objects of the bounty in the almshouse which she had built.

They must be persons piously disposed and of the Protestant religion; they must be able to repeat by heart the Lord's Prayer, the Creed and Ten Commandments, and Mr Edward Bowles's Catechism; and they must weekly attend (unless sick) some place of Protestant worship.

To what class or classes of persons does this description extend?

In the first place, it is expressly confined to Protestant Dissenters. In the second place, it seems clearly not confined to one class of Protestant Dissenters alone, because the widows are only required to attend some place of such Protestant worship. But, in the third place, it seems also as clearly intended to include those persons alone, who, though in many respects differing in opinion, yet agreed in some points which, probably, Lady Hewley thought fundamental; and we know from history that if it was her opinion, she was by no means singular in it. What, then, were the fundamental points? We think they must

be taken to be those doctrines which are to be found in the Lord's Prayer, the Creed, the Ten Commandments, and Bowles's Catechism.

It has been argued that the only qualification required is, the being able to repeat those by heart ; but we cannot think so meanly of Lady Hewley's understanding as to adopt that argument : we think she meant that they should accept these, and the doctrines therein contained, as a rule of faith, and that they should have them by heart, in order that they might be more deeply impressed with them,—precisely in the same way and for the same purpose as the godfathers in the baptismal service of the Church of England, are required to cause the child to learn to say (which means to say by heart) the Creed, the Lord's Prayer, and the Ten Commandments, and to be further instructed in the Church Catechism ; and as, in the Rubric, the children are required to be brought for Confirmation to the Bishop, as soon as they can do this and have attained a fit age, no one can believe that these provisions were intended to try their memory and not to prove their faith.

Then what are the doctrines to be found in these documents ?

We may lay aside the Lord's Prayer and the Ten Commandments, being measures about which all Protestants are we believe agreed ; at any rate, all the parties to this suit understand and assent to them in the same sense. Perhaps this may not be the case as to the Apostles' Creed, which, though certainly general in its language, has been usually confined as a creed to churches which did not doubt the divinity of our Saviour Jesus Christ. It is, as we have seen, one of the tests necessary for Baptism and Confirmation in the Church of England, and certainly is in that church by its Catechism explained in a Trinitarian sense, as plainly appears if we consult the Prayer Book ; for the child there answers that he understands by it, first, a belief in God the Father, the Creator of all things ; secondly, in God the Son, the Redeemer of all mankind ; and thirdly, in God the Holy Ghost, the Sanctifier of all the elect people of God.

Indeed, it is not improbable that Mr Baxter took the same view of the doctrines contained in the Apostles' Creed ; for when, on one remarkable occasion, he proposed that subscription to the Creed, the Lord's Prayer and the Ten Commandments should be alone sufficient as a test for church communion, it was objected that these might be subscribed by a Papist or a Socinian, he says, so much the better ; but adds, 'But if they were afraid of communion with Papists and Socinians, it should not be by making a new test or rule of faith which they will not subscribe to, but by calling them to account whenever in preaching or writing they contradict or abuse the truth to which they have subscribed.'

It would seem, therefore, that he thought that the preaching or

writing some of the Papist or Socinian doctrines would be contrary to the truth of these articles if they subscribed them : he must, we think, have referred to the second commandment as to the Papists, and to this Creed as to the Socinians ; for there does not appear to be anything else in his proposed test to which this observation could at all even plausibly apply.

And this view of the Apostles' Creed confirms and is confirmed by the last document, Mr E. Bowles's Catechism. Now, in the first place, it is stated by all the witnesses, amongst whom are to be found some very distinguished divines of various persuasions, and who all agree in this, that this Catechism is essentially Trinitarian, and that it can be assented to properly by those alone who admit Original Sin and the Atonement made for it, and acknowledge the proper divinity of our Lord and Saviour Jesus Christ. This would be quite sufficient, for there is no evidence on the other side, and we are to decide on the evidence.

But on reading this Catechism ourselves, with that attention it requires, and considering it, we cannot doubt that if we were required to form an opinion on it, we should decide that the witnesses have taken a correct view of Mr Bowles's book. It does appear to us clear that these are the doctrines fairly to be deduced from it, particularly by comparing it with the passages of Scripture quoted in its margin.

We would rather, however, put this point of the case on the general tenor of the whole Catechism and the uncontradicted evidence, than on our own view as to particular passages in it, lest we should fall into an error on some controverted questions of criticism or theology, which are always delicate and dangerous subjects for unprofessional divines to handle.

Upon the whole, then, we think that in the description which, by her own rules, Lady Hewley has given of the widows who were to be inmates of her almshouses, those only were meant to be included by whom the doctrines enumerated in the Vice-Chancellor's declaration were accepted as a rule of faith. Now we think it reasonable to conclude that these widows who were to be the inmates of the almshouse are part of the fourth class, described in the deed of 1704 as 'godly persons in distress.' They are not only subjected in the deed of 1707 to the discretion of the trustees, being objects out of that class selected by Lady Hewley herself, but their description affords us the means of ascertaining, upon Lady Hewley's own authority, what she meant by the word 'godly' in both the deeds. If this be so, then the same expression which is applied to the preachers and their widows ought to receive the same construction, it being plainly incongruous to give in one deed two meanings to the same expression. But independently of this, at all events, the qualification attached by Lady Hewley to the



admission of the inmates of her almshouse distinctly shows what her own opinions were, and how anxious she was for their adoption by others : and then that anxiety would apply with far greater force to the adoption of those opinions by preachers whose duty it was to take active steps for the propagation of the doctrines they professed. For an error there would probably lead to evils of a much more extensive nature. It is not likely that a lady who wished to regulate the opinions even of the poor widows, the objects of her pecuniary bounty, could intend to permit her funds to be devoted to the active propagation of any other than the same fundamental doctrines. It is quite inconceivable that she could thus (if with reverence we may use the emphatic language of Holy Writ on this subject) have strained at a gnat and swallowed a camel.

We think, therefore, that Lady Hewley, by poor and godly preachers, meant preachers professing the doctrines contained in the Vice-Chancellor's declaration. Again, if this be so, and if this be the class of persons whom she designates as poor and godly preachers of Christ's holy gospel, it is most rational then to consider the other bequests for the encouragement and preaching of Christ's holy gospel, and for the educating of young ministers of that gospel, as confined to the preaching of persons professing these same doctrines, and the education of youths for the ministry in places where those doctrines are professed.

This view of the case appears to us to be much confirmed by the peculiar language of Lady Hewley's will, by that of her pastor, Dr. Colton, by the state of the law at that period, and by the general tenor of history, both as to the doctrines then usually professed by the great body of Dissenters at that time, and their non-interference with that particular provision in the Toleration Act applicable to Unitarian preaching.

We were much pressed with quotations from various authors on this point by the learned and ingenious gentlemen who argued for the defendants ; but they have failed to satisfy us even as to the probability of any such catholic intention as that for which they contend having been entertained by Lady Hewley. Such a view may perhaps have been taken by a few speculative divines of great benevolence of feeling, but was never very generally received. It is indeed observable, that almost all the very men who held such opinions constantly asserted their own orthodoxy of belief on the points now in question, and that in no instance whatever that we remember, are they found to approve of the preaching or inculcating, by the teaching of youth, those doctrines now contended for and openly avowed by the Unitarian Dissenters in their discourses from the pulpit.

The greater part, if not the whole, of those quotations seem to us

applicable rather to the terms of church communion than to the present subject. For the question now is upon a charity to be devoted to the active propagation of doctrines by pecuniary encouragement given to their professors, and is not whether, without any particular test, it may be allowed to persons differing on material points to wave them and, notwithstanding, to associate in one religious community together. We do not, indeed, think such a plan wise or likely to succeed in producing peace in the churches; but we do not doubt that it has often been entertained by speculative men, who have not, perhaps, attended sufficiently to the results of practical experience in human life.

But this argument as to a supposed Catholic intention, seems inconsistent, also, with the probabilities of this case. Lady Hewley must have had fixed religious opinions, conscientiously and strongly felt by her, or else it is not likely that she would have made this foundation. It is very unusual for religious foundations to be made by any other than persons having strong and fixed religious opinions themselves. Those who entertain what are called latitudinarian notions on such subjects, are not commonly those who leave their property in this way.

But waving this, it seems to us clear that Lady Hewley, by requiring the Apostles' Creed, or indeed any definite creed at all, as a necessary qualification in the case, has given herself a decisive answer to this argument, and has negatived the probability of her at least having ever entertained this supposed catholic intention, by which, looking forward into futurity, she is imagined to have contemplated a continual movement in advance of religion, in the course of which all her own peculiar doctrines should, with others, gradually be absorbed and lost in the light and splendour of what is called increasing knowledge and reason; for the very object and peculiar advantage of a creed is, to prevent this perpetual fluctuation, and to fix religious opinions by bringing them continually to a definite test.

We have adverted to this part of the case, not as considering it a very important topic, but as it formed the principal ground of the argument before us, we thought it not right altogether to pass it over.

Upon the whole, our opinion is, that the declaration of the Vice-Chancellor is right.

There is another part of the case, which relates to the course your lordship as a Judge in Equity ought to pursue, as to retaining or removing the trustees, in case your lordship's opinion should agree with and confirm that which we have now delivered.

That will depend of course on the point whether your lordship is satisfied that these trustees do in fact profess opinions differing from those to the promotion of which Lady Hewley devoted her foundation, and whether in that case it is the duty of a court of equity to remove

them from a trust which they cannot so properly discharge as persons whose opinions concur with those of the foundress.

But these are points on which it does not become us to offer any opinion to your lordship.

LORD LYNDHURST: This case was originally argued before my late predecessor in the office of Chancellor, in the presence of two of the learned Judges. Circumstances to which it is not necessary that I should particularly advert, prevented that noble and learned Judge from pronouncing any decision upon it. I regret that the parties were deprived of the benefit of his judgment. The case was afterwards argued before me with the assistance of the learned Judges who are now present. It was argued with great ability and learning, and everything was brought to bear upon the subject that could properly be urged for the purpose of leading the court to a correct conclusion upon it. I certainly could have wished that I had not been called upon to pronounce judgment upon such a subject. But the parties on both sides have expressed their wish that we should decide it, and I have felt it my duty to comply with that request.

It must be satisfactory to those who are interested in the case, that, upon this occasion, I have had the assistance and advice of the learned Judges now present, so much distinguished for their intelligence, ability, and learning. It is highly satisfactory to me, not so much because I consider that there is any great difficulty in the case, as on account of its importance to the parties who are interested in it, and, I may add, also, on account of its importance to the public.\*

I agree entirely in the principle, stated by the learned Judges, upon which this case must be decided. In every case of charity, whether the object of the charity be directed to religious purposes or to purposes purely civil, it is the duty of the court to give effect to the intent of the founder, provided this can be done without infringing any known rule of law. It is a principle that is uniformly acted upon in courts of equity. If, as they have stated, the terms of the deed of foundation be clear and precise in the language, and clear and precise in the application, the course of the court is free from difficulty. If, on the other hand, the terms which are made use of are obscure, doubtful or equivocal, either in themselves or in the application of them, it then becomes the duty of the court to ascertain by evidence as well as it is able what was the intent of the founder of the charity, in what sense the particular expressions were used. It is a question of evidence, and that evidence will

\* Lord Lyndhurst requested two Judges to sit with him, as a matter of course, since Lord Brougham had done so. Lord Brougham stated his reason was that "it might tend to have the effect of preventing the parties from being dissatisfied with the judgment, and prevent an appeal."

vary with the circumstances of each particular case, it is a question of fact to be determined, and the moment the fact is known and ascertained, then the application of the principle is clear and easy.

It can scarcely be necessary to cite authorities in support of these principles; they are founded in common sense and common justice; but if it were necessary to refer to any authority, I might refer to the case which has been already mentioned, the case of the Attorney-General v. Pearson, and to another case which was cited at the Bar, the case in the House of Lords. Throughout those judgments, the principles which have been stated were acknowledged and acted upon by a noble and learned judge, of more experience in courts of equity, and more experience in questions of this nature than any other living person. I look upon it, then, that these principles are clear and established—that they admit of no doubt whatever.

What, then, were the objects and the purposes of this charity? We look at the deed of foundation, and we find from it (the deed of 1704) that the object was to assist poor and godly preachers of Christ's holy gospel; to assist poor and godly widows of the same description of persons; to promote and encourage the preaching of Christ's holy gospel in poor districts and places; to assist in the education of young persons intended for the ministry of Christ's holy gospel; to assist poor and godly persons in distress. These are the objects of the deed of 1704. The deed of 1707 provides for the maintenance of ten poor persons in certain almshouses that were founded by Lady Hewley. The rest of the property is directed to be applied to the same objects as are mentioned in the original deed of 1704.

This is the substance of the provisions of the two deeds; and the first question that arises, and essentially almost the only question, is this, Whom did the foundress of this charity mean to designate by poor and godly preachers of Christ's holy gospel? And what were the principles and doctrines of which she intended to encourage and promote the preaching?

It may be said, that the expression 'poor and godly preachers' is clear and precise; but it is admitted on both sides, as well on the part of the relators as on the part of the defendants, that it does not include ministers of the Established Church. However poor, however godly, however pious, by the admission of the parties, they are excluded, and rightly. It appears, therefore, that the terms poor and godly preachers are to be taken with some limitations and restrictions; and the question, therefore, is, what are the proper limitations and restrictions in this instance?

The first question then for consideration, in order to lead us to a correct conclusion upon this point, is, as to the particular religious

opinions of Lady Hewley, the foundress of this charity. There can be no doubt that she was in her religious faith and opinions a Presbyterian. It is a matter of history that she was so. It is admitted by the answer of Mr Wellbeloved and others of the defendants. It is proved by the evidence in the cause, by the evidence of those learned and respectable witnesses to whom the learned Judge has referred. It is not contested by any contradictory evidence. It is proved that she attended the chapel which she herself, I believe, built and in part endowed—St. Saviour's Gate Chapel—and which is admitted to have been a Presbyterian chapel; Dr. Colton, the preacher at that chapel, was an acknowledged Presbyterian; he was her religious adviser; he was the executor to her will; he preached her funeral sermon;—all these circumstances lead to the conclusion that she was in her opinions a Presbyterian.

This being so, then, the next question in order is, what were the doctrines and opinions of the Presbyterians at that time? Upon this also I think no reasonable doubt can be entertained. The Presbyterians objected only to those articles of the Established Church that related to matters of discipline and church government. They did not object to any of the doctrinal articles of the Church of England. It is stated by the witnesses, and there is no contradictory evidence, that the Presbyterians of that day were believers in the Trinity and in the doctrine of Original Sin, as contained in the articles of the Church of England. If we go further we find the same points, to a degree at least, admitted in the answers of Mr Wellbeloved and others of the defendants. Very many, they say, of the Presbyterians of that day believed in the doctrine of the Trinity. The admission is qualified by the term 'very many,' which admits of an extensive latitude of construction; but coupling this with the evidence, I am justified, I think, in coming to the conclusion, that the great body of the Presbyterians were in their opinions Trinitarians.

But that which appears to me to be decisive upon the subject is a document which was referred to in the course of the argument, namely, the heads of agreement that were entered into between the Presbyterians and the Independents, in the year 1691. In the eighth section of those heads of agreement, intituled 'Of a Confession of Faith,' they say that they hold either the doctrinal part of those commonly called the Articles of the Church of England, or the Confession or Catechism, shorter or larger, compiled by the Assembly at Westminster, or the confession agreed on at the Savoy, to be agreeable to their rule of faith and practice. That document, therefore, appears to me to be decisive upon the question, because the particular articles to which they refer, namely the Articles of the Church of England, the Confession, the Shorter and

Larger Catechism, and the confession agreed on at the Savoy, all contain expressly and distinctly, Trinitarian doctrines.

If it were necessary to go further into this case for the purpose of showing what were the opinions of the Presbyterians at that time, I might refer to the Act of Toleration. It is well known that the Dissenters were consulted in framing that Act, and that they were satisfied generally with its provisions. But we find in the seventeenth section that no person is allowed to preach, or is relieved from the penalties of former Acts of Parliament in preaching, unless he subscribes the Articles of the Church of England, with the exception of the 34th, 35th, 36th and part of the 20th, which do not relate to doctrinal matters, but relate merely to church government and matters of that description. The whole of this evidence, therefore, leads me to the conclusion, about which I think no reasonable doubt can be entertained, that the great body of the Presbyterians, as well as the Independents of that day, namely, at the commencement of the eighteenth century, believed in the doctrine of the Trinity and in the doctrine of Original Sin, which is contained in the Articles of the Church of England, and other documents to which I have referred. Was Lady Hewley, then, an exception to this general rule, as to belief with reference to the doctrine of the Trinity and with respect to the doctrine of Original Sin? It appears to me, when we have established that she herself was a Presbyterian, and that the general doctrines of Presbyterianism were such as I have stated, that it is incumbent upon those who contend that she was an exception to the general belief, to give evidence for the purpose of establishing that part; that the burden of proof is upon those who make that assertion or that suggestion. But waving this, what are the probabilities of the case? It is well known that the principles of Unitarianism were at first very coldly received, and were listened to with aversion, and even with disgust, more particularly among the laity. Lady Hewley, at the time to which I am referring, was a person advanced in life. Is it probable, then, that she should have adopted these opinions, and upon points which, in one of the documents before me, are stated, I think by Dr. (Mr) Kenrick, to have been considered by all churches essential?

There is another consideration that presents itself, arising out of the situation and character of Lady Hewley. She had attracted much attention. She was a person of great piety, of a certain rank, of great and unbounded charity. It must have been known, it would indeed have become a matter of notoriety, if she had entertained these opinions. It must have come down to us as a matter of history, had she entertained Unitarian opinions, in the same manner as in the case of Firmin—a person who resembled her in the charitableness of his disposition and character. But it is not necessary to rely upon probabilities in this case.

We have direct evidence of the fact. The witnesses who have been so often referred to, declare that she was a believer in the Trinitarian doctrines, and upon this point also there has been no contradictory evidence whatever.

If we advert to the evidence of Mr Wellbeloved and others of the defendants ; what is it that they say to this point ? They do not deny that she entertained Trinitarian opinions, that she was a Trinitarian in her belief. On the contrary, they say that they have heard and believe that very many of the Presbyterians at that period were Trinitarians, but, save from the probability arising from such circumstances, they cannot say whether she in her religious belief was a Trinitarian. They admit, therefore, the probability of her having been a Trinitarian,—which is substantially to the same effect, though not so strong in the expression as what Mr Wellbeloved is reported to have stated upon this subject to the Commissioners. For in their report they say, that Mr Wellbeloved concludes from Lady Hewley's attendance at the chapel during Dr. Colton's time, and from the general state of religious opinions at that period, that she did not entertain what are commonly called Unitarian sentiments.

But the evidence as to this important part of the case does not rest here. Dr. Colton is admitted to have been a Trinitarian : no doubt is entertained upon that point. Dr. Colton must have been a Trinitarian, because, as he was the preacher at St. Saviour's Gate Chapel, he must have subscribed the articles, agreeably to the seventeenth section of the Toleration Act ; and we are not to presume that he would have subscribed those articles fraudulently, particularly a man of his character, his learning and his piety. Dr. Colton, therefore, was a Trinitarian, and, as I have before stated, he was the preacher at Lady Hewley's chapel. He was her adviser in religious matters ; he was the executor to her will ; he preached her funeral sermon ; and in that sermon there is the strongest evidence of the double fact of Dr. Colton himself being a Trinitarian, and of Lady Hewley, with whose sentiments he was intimate, entertaining also the same opinions. Never, therefore, was there a stronger body of evidence leading to any conclusion than this, to show that Lady Hewley did not entertain Unitarian opinions.

But I do not stop here. There is that document which has been adverted to by the learned Judge, namely, Bowles's Catechism. Passing over the question relating to the Trinity, although the witnesses who are conversant with the subject state that Bowles's Catechism is to be taken as a Trinitarian Catechism ; yet this at least is clear, that the doctrine of Original Sin is expressed in that Catechism in the most clear and distinct terms. I agree entirely with what the learned Judge has stated, that when Lady Hewley requires as a qualification for those

persons who are to be admitted into the almshouse, that they should be able to repeat by heart Bowles's Catechism, that she must be taken to have assented to the doctrines contained in it. If so, the evidence is clear that as to one material point she was a believer, viz., in the doctrine of Original Sin. And if we may rely on the testimony of those witnesses who have been examined, that this is a Trinitarian Catechism, then that also establishes the fact of her being a believer in the doctrine of the Trinity.

I have thus endeavoured to show that Lady Hewley was a Presbyterian, and also to show what were the general doctrines of the Presbyterians at that time. And the result of the further inquiry has been to satisfy my own mind that Lady Hewley was not an exception to the general rule of belief of that class of dissenters to which she belonged, but that she herself also was a Trinitarian, and a believer in the doctrine of Original Sin.

That being the case, then, we are prepared for the more satisfactory consideration of the next point, What did she mean by 'Godly preachers of Christ's Holy Gospel?' What were the doctrines the preaching of which she meant to promote and encourage? Is it possible to come to the conclusion, according to any ordinary rules of reasoning, that she intended to found a Charity and bestow her property for the purpose of preaching doctrines directly at variance with her own? And this not as to subordinate and trifling and formal matters, but with respect to points that have always been considered by every church as essential; which she herself must have considered as essential.

When I say points which have been always considered as essential, I am not using my own expressions, my own language; it is the language, and these are the expressions, of a very learned person, Dr. (Mr) Kenrick, one of the defendants. In the sermon lying before me he says, "If others have established a distinction between those essential articles of faith which cannot be rejected without perdition, and the non-essentials on which men may safely differ, we at least gain little by the relaxation; for I know of no church which does not regard as essential those very articles which our name implies that we reject."

Can we believe then, I repeat it, that this pious lady would have given her funds for the purpose of promoting and encouraging the preaching of doctrines directly at variance with those opinions which she entertained upon points which have been universally considered as essential in matters of religious belief? At least it would require some fact or some argument to justify us in coming to such a conclusion. All the presumptions and probabilities are the other way; and as a question of fact, I feel myself obliged to come to this conclusion, that it is



almost impossible to suppose that such could have been her view and intention.

But another argument arises out of the Act of Parliament to which the learned Judge has referred, or rather out of the Acts of Parliament of that period. Those preachers who denied the Deity of Christ were exempted, if they preached, from the benefit of the Act of Toleration. That act was passed in the year 1688. In 1698, ten years afterwards, and six years before the date of the first of these deeds, the Act against Blasphemy was passed, in which those persons who denied that any one of the three persons in the Trinity was God, were subject to the severest penalties. Those were called impious and blasphemous doctrines; to teach them was called a detestable crime. I am not justifying the law—I am making no comment upon it—I am stating only what the law at that time was. Those persons who by preaching denied the doctrine of the Trinity—I think the word is 'teach'—who either in writing, in teaching, or advised speaking, shall maintain those doctrines, are subject to the penalties of the act to which I have referred. It was contrary to law, therefore, at that time, to preach those doctrines. To give money for the purpose of encouraging and promoting the preaching of them would also in itself be illegal.

What are the rules by which the conduct and the language of persons are to be interpreted? The rule is this—and it is a fair and proper rule—that where a construction consistent with lawful conduct and lawful intention can be placed upon the words and acts of parties, you are to do so, and not unnecessarily to put upon these words and acts a construction directly at variance with what the law prohibits or enjoins. I cannot therefore bring myself to the conclusion, that Lady Hewley intended to promote and encourage the preaching of doctrines contrary to law—that she intended herself to violate the law. It would be contrary to every rule of fair construction and legal presumption so to decide.

It was argued, however, at the bar, that this law was now repealed; and it was supposed that the repeal of the law would make an alteration in the consideration of the case. It does not appear to me, in the slightest degree, to affect the question. The question is, what was her intention at the time? What, at the time when she executed this deed, she intended? Who were the persons whom she meant to include in it? What were the doctrines of which she intended to encourage and promote the preaching? It makes no alteration in this respect—it makes no change as to her intention at the time that a century after the law has been changed, and that is considered as innocent which at that period was considered as illegal. On these two grounds then, each of which appear to me conclusive, first of all, that I cannot presume that

this pious lady intended that her estates should be employed to encourage and promote the preaching of doctrines directly at variance with what she must have considered as essential to Christianity, and that she could not intend to violate the law ; on those two grounds I feel myself, as a conclusion of fact, compelled to come to this determination—that she did not intend, under the description of godly preachers, to include those persons who impugned the doctrine of the Trinity, that she did not intend to promote and encourage the preaching of those doctrines. With respect to the law, and her respect for its authority, we find some evidence of it in the second deed—the deed of 1707, for she says, that if by any lawful authority the objects of her bounty, in that deed, cannot be carried into effect, then she directs her trustees to make a different application of the funds.

It has been said, and the learned Judge has adverted to it—it has been said, in general terms, that the religious opinions of that day were liberal and comprehensive, and that in particular, Lady Hewley entertained large and liberal views upon subjects of religion. This, however, rests on general statement, of which there is no sufficient or satisfactory evidence, and from which I can come to no precise or satisfactory conclusion. I am bound, therefore, for these reasons, having first established to my satisfaction that she was, in her religious opinions and belief, a Trinitarian,—I feel myself compelled to come to the conclusion, that she never intended that her bounty should be applied for the purpose of promoting or encouraging the preaching of Unitarian doctrines. This is the conclusion of fact to which I have come, and I have the more satisfaction in this result, because I came to it without at all knowing what were the opinions of my two learned friends, without having had any communication with them upon the subject. I formed my opinion upon a careful consideration of the case, thus agreeing, not only in the conclusions, but in the grounds and principles upon which the learned Judges have come to them, who have favoured me with their assistance on this occasion.

The question then, for consideration that remains is this, By whom have these funds been administered, and in what way have they been administered ? The trustees are, with one or two exceptions, both the trustees and the sub-trustees, proved to be Unitarians ; Mr Palmes is a member of the Church of England ; Mr Heywood was not proved to be Unitarian ; with respect to the rest, as I understand and read the evidence, they entertain Unitarian opinions. What are these doctrines ? What, in their answer, do Mr Wellbeloved and others of the defendants state to be Unitarian opinions ? They state, that they believe it to be true, that the class of Christians styled Unitarians do reject, as unscriptural, the doctrine that Jesus Christ is really and truly God, and as such

a proper object of divine worship. They believe it to be true that the class of Christians styled Unitarians do, many of them, reject, as unscriptural, the doctrine of Original Sin, or that a man is born in such a state that if he were to die in the condition in which he was born and bred, he would perish everlastingly. These are the doctrines stated in the answers of Mr Wellbeloved and several of the other defendants as being the peculiar doctrines of the Unitarians.

An observation was made, I think, by a learned gentleman whom I now see in court, on the conduct of Mr Wellbeloved with respect to his answers, stating that they were reluctantly extorted, obtained with difficulty. I think I owe it to Mr Wellbeloved and to the other defendants to observe, that from the nature and the delicacy of the subject, they were justified in using much caution, and if we can fairly refer the conduct of men to proper motives, we are not justified in ascribing it to such as are improper. Mr Wellbeloved may have considered that the questions were not, in the first instance, put in such a way as to lead properly to these answers ; and he may have thought it his duty to exercise great caution on such a subject. But leaving this, besides the answers, we have, from the mouth of Mr Wellbeloved, and we also have from Mr Kenrick, clear and distinct statements of what the opinions of the Unitarians are upon the points in question.

I refer to a document which is in evidence, a sermon preached by Mr Wellbeloved, at Hull, in which he states his opinions in these terms: 'With the doctrines concerning the Deity of Christ, we also reject, as equally unscriptural, those which other Christian sects hold to be of such vital importance, relating to his office and the design and consequences of his death. We see nothing in the pages either of the Old or New Testament to justify the doctrines which are generally deemed orthodox, relating to Original Sin ;' so that he also there states that they reject the doctrine concerning the Deity of Christ, and this also relating to Original Sin. In another part of the same sermon he says, 'but it will be said that we deny his Deity,' that is the Deity of Christ ; 'We refuse to acknowledge him as the second person of the Godhead ; we do not allow him to be one God with the Father, co-eternal and co-equal, or even God of God.' 'We confess,' he says, 'the Man Christ Jesus, but deny him as that incarnate, suffering and dying God, which he is believed to have been by all others who bear his name. True, we do deny the Jesus of the Athanasian and the Nicene Creeds, of the Liturgy and the Articles of the Established Church, of the confessions of faith adopted by almost all the churches of Christendom.' Nothing can be more clear and distinct than these statements, not only as to his own opinions, but as to the opinions of those who think with him, and who come under the class and denomination of Unitarians.

Nów as to Dr. (Mr) Kenrick, another of the defendants upon this record, a gentleman of talent and learning ; he says, 'We are convinced that no doctrines can ultimately prevail among a people allowed to think and examine for themselves which, like transubstantiation, involve a sensible absurdity, or, like the Trinity, a metaphysical contradiction.' 'The surrender of their understandings,' he says, 'is a price which men will not long consent to pay for the belief of any system of Theology.' Such are the doctrines stated by two of the defendants as the doctrines of the Unitarians. I consider, then, the great body of trustees and sub-trustees are disbelievers in the Divinity, or to use the term of the Unitarians, the 'Deity of Christ,' and disbelievers in the doctrine of Original Sin.

Having stated this, then the next question is, how and for what purposes have these funds been applied by these trustees ? In what manner have they discharged the important duty that was entrusted to them ? If we are correct in the conclusion we have come to, as to the intention of Lady Hewley, the funds have been misapplied, and misapplied for a long series of years, and to a very great extent. This alone might be a sufficient ground for removing the trustees. But it has been said, that this was unintentional upon their part, that it was an error of judgment, that they put fairly and bonâ fide a construction upon the instruments that would have justified their acts. But looking at the evidence in this case, I am compelled to come to a different conclusion, and to say, though I do not wish to enter into detail upon the subject, because I am desirous, as far as possible, to abstain from everything that is personal on this occasion, I am compelled to say, using the most gentle terms, that there has been in my judgment a strong and undue bearing in the administration of the funds towards the Unitarian doctrines and Unitarian purposes.

I shall not go through the evidence with respect to this part of the case, but shall content myself in referring only by way of example to two points. How has it happened that almost all the trustees are Unitarians ? That the vacancies have been so filled up as to make the whole body substantially Unitarian, as to place the entire control of these estates, and funds, and the management of the whole charity, in the hands of Unitarian trustees, persons entertaining Unitarian opinions ?

Another subject to which I shall also refer in illustration of what I have stated, relates to the exhibitions to Manchester College. Almost all the exhibitions, of late years, have been given to persons educated at that college. Upon a careful examination of the evidence, I must consider, that so far as relates to the education for the ministry, Manchester College is substantially an Unitarian Establishment. I refer to the evidence, among others, of Mr Manning Walker,

who was himself educated as an Unitarian, and was a member of that college. It appears to me strong and decisive upon this point. If I required further confirmation, I might refer to Mr Wellbeloved's letter, in which he calls upon the Unitarian Dissenters to subscribe to the support of that Establishment, for the purpose of maintaining a succession of well-educated ministers in their class of Dissenters; obviously meaning—indeed the fact is proved by the evidence—meaning those of Unitarian opinions.

These circumstances with others lead me, therefore, to the conclusion not merely that these parties have misapplied the funds, but, that in the exercise of their trust, they have manifested a strong and undue leaning in favour of persons of their own persuasion. I think, then, looking at these circumstances and considering the extensive and continued misapplication of the funds which has taken place, and adverting also to the consideration of the danger of future abuse, if persons maintaining one particular class of opinions are to be entrusted with the management and entire control of funds which are to be applied for the benefit of persons maintaining other opinions, that I am bound to come to the conclusion that the Vice-Chancellor was correct in removing the trustees. After what I have already stated, it follows, that I think he was correct in the declaration that he has made. And the result, therefore, of my Judgment is this,—Feeling myself confirmed in the principle of it by the learned Judges near me, and coming to the further conclusions which I have stated, founded upon these principles, I think that the judgment of the Vice-Chancellor should be affirmed. It is not a case for costs, and I think it should be simply affirmed.

The reasons for the reversal and affirmance of the decree on appeal to the House of Lords are thus stated :

The appellants are advised and submit, that the decree below is erroneous, for, amongst others, the following reasons :

1. Because there is nothing in the trust deeds denoting an intention to exclude preachers or other persons of Unitarian opinions (being in other respects fit objects of the charity), from participating in the funds of the charity ; and extrinsic evidence to show such an intention (or to raise a presumption of such an intention) is inadmissible.

2. Because the expression 'poor and godly preachers for the time being of Christ's Holy Gospel,' denotes, according to the meaning of those terms, at the date of the foundation deeds, (and which meaning is confirmed by the usage), Protestant Nonconformist preachers for the time being, who should make Christ's Holy Gospel the foundation of their faith ; and Unitarian preachers are such preachers.

3. Because the intention which the words of the trust import, according to the construction suggested in the last preceding reason, is a

probable and lawful intention ; and it is a sound rule of construction, that if a probable and lawful intention can be collected from the words of a trust, the court will not look further for the intention ; and extrinsic evidence to explain the intention (or to raise a presumption of intention) ought not in this case to have been admitted.

4. Because, if the intention be doubtful, a usage which has prevailed ever since the foundation of the charity, and which is consistent with the intention, so far as that intention is expressed in the deeds, ought not now to be disturbed. The usage stated in the answers of the defendants is not contradicted by the evidence. If there be any doubt as to what the usage has been, it ought, it is submitted, to be ascertained by an inquiry before the proper officer of the court.

5. Because it is not a presumption of law, that a charity, founded by a Dissenter, whether for the promotion of preaching or of a more general nature, is intended by the founder (where not so expressed) exclusively for the benefit of Dissenters of the same sect with the founder, or who should agree with him, individually, in doctrinal opinion ; and extrinsic evidence of the doctrinal opinions of the foundress, with a view to raise such a presumption or to give a particular construction to the general language of the trust, was inadmissible. Not only is there nothing in the language of the foundation deeds, in the present case, to denote such an intention, but the contrary intention is rather to be inferred, from the circumstance that the trustees are not required to be selected from any given sect or denomination.

6. Because from the tenor of the trust, it does not appear to have been the intention of the foundress to impose any doctrinal test, or to require the profession of any given system of Christian doctrines by the preachers as a qualification for being admitted to participate in the charity : and that such an intention would have been inconsistent with the principles of the religious sect to which the foundress belonged, and cannot therefore be imputed to her as a probable intention.

7. Because the intention of the foundress was, to confide to the trustees for the time being, appointed in the manner provided by the foundation deeds, a discretionary power of selecting objects of the charity within the limits prescribed by the deeds ; and for the court to prescribe other limits to the trustees, or to appoint other trustees, would be to defeat the intention.

8. Because, if it were the intention of the foundress that the charity should be confined to Dissenters of the same sect as the foundress (which was admitted to be Presbyterian), or who should agree with her individually in doctrinal opinion, the decree does not contain any sufficient provision for giving effect to that intention, or for ensuring the due administration of the charity in future.

As applicable to so much of the decree as directs the removal of the trustees, the following additional reasons are submitted :

1. Because error in judgment is not a sufficient ground for removal, and no case of misconduct is established against them.
2. Because the trustees are not, by the deeds, required to belong to any given sect or denomination of Christians ; and the holding of Unitarian opinions is not a ground of disqualification or removal.

So far as relates to the case of Mr John Pemberton Heywood, Mr Peter Heywood, and Mr Wood, the following additional reason is submitted :

Because it is not alleged in the information that they are Unitarians, or that they are, in any other respect, disqualified to fill the office of trustees of the charity ; nor was there any evidence in the cause of any such disqualification, even if such evidence had been admissible.

As applicable to the removal of the trustees of the hospital, the following additional reason is submitted :

Because there is no evidence in the cause, that the rules left by the foundress for the government of the hospital have been in any respect infringed by the trustees.

So far as relates to Mr Palmes :

1. Because it is not alleged in the information that he is by his doctrinal opinions, or in any other respect, disqualified to fill the office of a trustee of the hospital, and evidence could not properly be received to show any such disqualification.
2. Because if such evidence were admissible, a member of the Church of England is not disqualified to fill the office of a trustee of the hospital.

R. M. ROLFE.

JAMES BOOTH.

The reasons of the respondents are very short :

From the said decree of his Honour the Vice-Chancellor, and the said order affirming the said decree, the said appellants have thought fit to appeal ; but the respondents humbly hope the same will be affirmed with costs, for the following among other reasons :

1st. Because Lady Hewley, by whom the charities in question were founded, was a Trinitarian in belief and doctrine, and the application of her charities to the benefit of ministers or preachers of what are commonly called Unitarian belief and doctrine, and their widows and members of their congregations, was and is inconsistent with her design and intention.

2nd. Because the trustees and subtrustees removed (as well those who were proved to be Unitarians, as those who were not proved to be so) had all systematically concurred in breaches of trust ; and such of

them as were clearly proved to be Unitarians were not fit persons to be trustees or sub-trustees of the charities in question.

J. L. KNIGHT.

E. KINDERSLEY.

It was argued on the 13th, 14th, and 15th of May, and the 24th, 25th, and 28th of June, 1839, before Lords Cottenham (Chancellor), Lyndhurst, Brougham, and Wynford,\* and the Judges, of whom seven, Chief Justice Tindal, Barons Parke and Gurney, and Justices Williams, Coleridge, Erskine, and Maule, delivered their opinions on 10th May, 1842.† The Chief Justice Lord Denman and the Chief Baron Lord Abinger were peers; Baron Alderson and Justice Pattison had previously given their opinions; Justices Littledale and Vaughan had retired; Justices Bosanquet and Coltman were absent.

Although at each previous hearing the time of the court had been taken up almost entirely with arguments founded upon quotations from documents and books shewing the opinions of Lady Hewley and the Presbyterians of her time, yet nearly all the reasons of appeal are based upon the position that the questions in the suit should be determined by reference to the deeds of foundation only, without extrinsic evidence. At the hearing in the Lords the further objection was taken that, supposing proper evidence was receivable for the purpose, improper evidence had been received. Lords Lyndhurst and Brougham showed their displeasure at these objections not being made before them, but reserved until the final appeal. The following dialogue took place in reference to this point:

LORD LYNDHURST.—Was there any objection made to the reception of the evidence before the Vice-Chancellor? This case came, I believe, three times before the court. It was heard by the Vice-Chancellor; it was afterwards heard before the learned lord who has just addressed the house; and it was afterwards heard before me. The same evidence was received upon each occasion, and I do not recollect, when it was heard before me, that any objection was made.

\* While the Lord Chancellor, except as to adjournment of the hearing, only in twelve instances put questions or addressed remarks to the counsel, the times that the other law lords did so were as follows: Lord Lyndhurst 78, Lord Wynford 30, and Lord Brougham 133; nor were they the only peers who took such part in the hearing, the Bishop of London, Dr. Blomfield, made observations or inquiries 55 times, the Bishop of Rochester, Dr. Murray, once, and Lord Kenyon 9 times.

† The delay was very great, but there was nearly as much on the appeal of *Winter v. Perratt*, which came on nearly at the same time.



**LORD BROUGHAM.**—I have no recollection of any objection taken before me to any evidence at all ; but Mr Baron Parke is going to look at his note.

**MR ATTORNEY-GENERAL.**—I will state to your lordships how it was. There was an immense body of evidence given, and there was an arrangement come to that it should all be read, that the relators might read what they pleased *de bene esse*, and that then that which was not evidence was to be considered as the speech of counsel.

**LORD LYNTHURST.**—That is a course that never could be pursued, because that would leave it for the party to determine what is evidence, without any objection on the part of counsel and without argument. It never could have been the case. It may have been an arrangement among the counsel, but that is not the way to deal with the court.

**MR KNIGHT BRUCE.**—Personally, I have not the least recollection of any such arrangement or agreement. I do not deny it, but personally I have no recollection of it.

**MR ATTORNEY-GENERAL.**—I can show by most distinct evidence that the arrangement was come to when it was heard before the Vice-Chancellor. Then when it came on before my Lord Brougham, afterwards before Lord Lyndhurst, it was necessary that the same arrangement should be carried into effect, and that it should be heard upon the same basis before their lordships, as it had been before his Honour the Vice-Chancellor.

**LORD BROUGHAM.**—Then it would have been highly convenient and fair to the court, that the arrangement should have been disclosed ; and I am sure it never was disclosed.

**MR ATTORNEY-GENERAL.**—I presume, upon the part of the defendants, that there having been that arrangement, it was not thought they could depart from it.

**LORD LYNTHURST.**—If the parties allow that to be read in evidence which in strictness is not evidence, by an agreement between themselves, and if no objection is made to the evidence that is offered, the Judge gives his opinion upon the effect of the evidence.

**MR ATTORNEY-GENERAL.**—If it was read in evidence, and if it ought not to be an ingredient in the judgment of the court, I say, with very great respect and with great confidence, that that judgment was erroneous if it proceeds upon that evidence. Suppose facts are stated in a special verdict which ought to have no influence upon the judgment of the court, it is quite immaterial that they are stated. You are to take it *pro non scripta* for this evidence.

**LORD LYNTHURST.**—Suppose evidence is offered at *Nisi Prius*, and an objection is made to it, and the party says, I waive any objection,

and the jury find a verdict upon that, and an application is made for a new trial, will not the Judge say, you waived your objection ?

MR ATTORNEY-GENERAL.—Supposing there to have been an objection taken to the competency of a witness, and that is waived, you cannot then move for a new trial upon the ground that the witness was incompetent. You are to take as a fact what the witness has proved. But supposing that what the witness has proved, being taken as a fact, is a fact wholly irrelevant, then it ought to be no ingredient in the verdict of the jury, and no ingredient in the judgment of the court.

LORD BROUGHAM.—That does not go to the admissibility, but to the effect.

MR ATTORNEY-GENERAL.—It goes to the effect ; and my objection remains to me untouched, even supposing that this evidence had been read, and read without objection, or that the Judge upon argument had decided that the relator was entitled to read it.

LORD LYNTHURST.—If facts were proved that were irrelevant to the issue, of course they ought to be rejected.

MR ATTORNEY-GENERAL.—They ought to be rejected ; and I say I deny that it was established that Lady Hewley was a Trinitarian. But I will assume, for the sake of argument, that it was proved most distinctly that she was a Trinitarian.

LORD WYNFORD.—You cannot deny that there was very strong evidence that she was a Trinitarian.

MR ATTORNEY-GENERAL.—There is evidence both ways. The very recommendation of Bowles's Catechism, in which the doctrine of the Trinity is not taught, is some evidence to shew that she was not a Trinitarian.

LORD LYNTHURST.—The evidence of her being a Trinitarian was received without objection. The next question will be, whether the conclusion from the evidence that she was a Trinitarian was correct ; and if it was correct, then, what application that has to the question in issue ?\*

MR ATTORNEY-GENERAL.—As to Lady Hewley being a Trinitarian, I say there was some evidence to show that she was not a Trinitarian, and that is her preference of Bowles's Catechism : for the Catechism that was chiefly in vogue among Dissenters then, was the Catechism I was first taught, that is, the Shorter Catechism of the Assembly of Divines at Westminster, which is certainly a most beautiful compendium of Calvinistic divinity.

LORD BROUGHAM.—But Trinitarian.

MR ATTORNEY-GENERAL.—Decidedly. There is a question, 'How

\* The remainder of this quotation, though it does not relate to the point we have been remarking on is given to exemplify the nature of the hearing in the Lords, see p. 324.

many persons are there in the Godhead?" I dare say the noble and learned lord is well acquainted with the answer to the question.

Bishop of LONDON.—You admit that it is Calvinistic.

Mr ATTORNEY-GENERAL.—Yes, I think that in Bowles's Catechism the doctrine of Original Sin is taught, and the doctrine of the Atonement but not the Trinity.

Bishop of LONDON.—You said Calvinistic. Do not the points usually called Calvinistic imply a belief in the doctrine of the Trinity?

Mr ATTORNEY-GENERAL.—I would not venture to enter for a moment into a discussion of such a point with your lordship.

Bishop of LONDON.—It is notorious that it does.

The defendants to the information were, if it were only by their own practice of confining the charity to Dissenters, obliged to admit that the godly preachers of the deed of 1704 were Non-conformists, and this could be shewn only by reference to the usage of the words in Lady Hewley's time, and having done so they could not prevent Equity Judges from holding that the meaning of the remaining part of the same phrase of "Christ's Holy Gospel" should be ascertained in the same manner. They accordingly reserved their objection to the evidence on the latter point until the court of final appeal, giving the Equity Judges no opportunity of overruling it, so that not having the weight of their authority against it, it might go before the Common Law Judges with a fair chance of success, from their strict notions as to the construction of deeds. But even previously to the result it was easy to see that an objection which went to shut out the merits of the case, after those merits had been so fully shewn in the court below, must fail in the House of Lords, and the clever stratagem did not avail. It may be doubted whether it would have been practised, had it not been trusted that the old hatred of Calvinistic and Evangelical opinions would be evoked in the Lords spiritual and temporal, and that they would seize the excuse presented by this objection for saying that the trust was too vague, and the discretion given to the trustees too unrestricted, to warrant them in departing from so long a usage as was admitted by the relators. It would only be with this view that although the doctrines of the Trinity and Original Sin are the only ones insisted on in the information (and insisted on there because taught in Mr Bowles's Catechism) are held by all evangelical Arminians; yet in the defendants' answers and the speeches of their counsel Calvinism is assailed as much as Unit-

rianism is defended, and the contest is represented as between these systems. They might well trust to the hold which Pelagianism has on the high places of Church and state in England, though of course we cannot expect any confession of a heresy branded of old. The following dialogue, taken from the report of Mr Rolfe's argument before Lord Lyndhuret, illustrates the subject very well :

MR ROLFE.—Arminianism if I understand it, is a sort of approach to Unitarianism.

MR BARON ALDERSON.—You cannot raise so difficult a question as that here.

MR ROLFE.—Let me explain what I mean : the extreme on the one side will be Calvinism, and the extreme on the other will be Unitarianism.

THE LORD CHANCELLOR.—They were the ultras.

MR ROLFE.—Yes, my lord. There is Calvinism and Unitarianism. All I mean to say of Arminianism is, I do not mean to speak in its praise or dispraise, but it is something that comes between the two.

MR BARON ALDERSON.—Something in the right.

MR ROLFE.—I have heard divines say, speaking of the thirty-nine articles, that you may see in them the endeavour to reconcile the Arminian party in the church and the Calvinistic party in the church.

MR KNIGHT.—Certainly.

MR ROLFE.—That is what I mean ; it is not an ultra opinion.

THE LORD CHANCELLOR.—It is still so in the church.

MR ROLFE.—Yes, my lord.—I am not imputing Arminian errors to the church, but it has been said there existed Arminian principles.

THE LORD CHANCELLOR.—Propensities rather than principles.\*

That this attack on Calvinism was wisely done will be apparent when we see how Lord St. Leonards, when Lord Chancellor, refused to give judgment for Calvinistic relators, while he intimated that his opinion was in their favour, and all the law lords practised to prevent men of like opinions from taking any great benefit by the affirmation of the judgment of the Vice-Chancellor, which could not be resisted.

The counsel for the appellants were the Attorney-General, the Solicitor-General, and Mr Booth. Those for the respondents, Mr Knight Bruce, Mr Kindersley, and Mr Romilly.

Sir John Campbell had, with his accustomed labour, made

\* On the other hand the Bishop of London in the House of Lords, as we have seen, testified of Calvinism that its very essence is orthodox in the main point of Christianity.

himself thoroughly master of the case and, though a common lawyer, contended on perfectly equally ground with the counsel from the Court of Chancery, who had been in the case on previous hearings, and displayed all the care, discretion, and ingenuity which had made him Attorney-General, in spite of a poverty of language and an unpleasant delivery which detracted much from the force of what he said. The son of a dull clergyman of the Kirk adhering to the moderate party, and whose sermons would therefore be the exact counterparts of those delivered in Socinian pulpits, he showed great virulence against the relators, (Independents and Evangelicals,) and entered con amore into every latitudinarian argument which he used, though all the while protesting his own orthodoxy.\*

One passage, at the commencement of his reply, must be quoted to shew the ground which he took :

Who are the relators ? They are five gentlemen, of the lay persuasion, (sic) belonging to a Christian sect which Lady Hewley viewed with Christian charity, and would have been willing to assist, as she would have been willing to assist every denomination of Protestant Dissenters that the law tolerated ; but the Independents are a sect which, in the early part and in the middle part of the seventeenth century,† the Presbyterians looked upon with abhorrence. The Independent system was with them the abhorred thing, and they would as soon have communicated with Papists as with Independents. What would have been the opinion of those divines who met at Westminster in 1643 of the Independents, who say there is no church, that every congregation is a church of itself, who deny any hierarchy or any subordination to church government or church discipline ? Why, my lords, the Presbyterians dislike Popery, they dislike Prelacy, and they dislike the Inde-

\* With all Sir John's caution he made one very damaging slip in interrupting Mr Knight Bruce when quoting a passage from Mr Baxter containing the expression " apostate infidels," (or Socinians). " My learned friend will have no objection to my reading from the top of the same page respecting Arians ? ' I am against all sects and dividing parties ; if the name of Christian be not enough call me a Catholic Christian.' He speaks in these terms of the dangerous heresy of Arius, (that Christ was a super-angelical perfect spirit by which God made all the rest of the creatures) : ' He that denieth the Deity of Christ denieth his essence, and he that denieth his essence denieth Christ, and is no Christian.' I merely read that to show that he treats Arians in the same manner as Unitarians."

Mr Knight Bruce : " I am much obliged to my learned friend the Attorney-General for reading it. I do not know the exact motive, nor is it material. I am very glad your lordships have had the passage laid before you." [See p. 146, the passage is of itself sufficient to destroy every argument from Baxter adduced by the defendants.]

† By confining himself to the truth here he deprives his argument of all force, and tacitly admits the point contended for in this volume, that by the end of the century the differences between the denominations no longer existed.

pendent system as much as Popery or Prelacy ; and if indeed it shall turn out that none are entitled to participate in this charity except those who maintain the same opinions with Lady Hewley, it is quite clear that the Independents can have no portion in her bounty ; and it must come to that if that indeed were to be the construction which your lordships, with the assistance of my lords the Judges, should put upon the deed, and it were to turn out that in the present day there is no sect and no individual perhaps entertaining the opinions exactly of Lady Hewley ; the result would be what was pointed out by a noble and learned lord, when sitting as a judge in this case, that the relators had better be upon their guard, and not grasp at too much, for the result may be that they are entitled to nothing, that the objects of this charity are exhausted, that there must either be an entirely new scheme, or that the property will belong to the Crown. My lords, the Independents are not of the religion of Lady Hewley, it is admitted they are not, and it is strange indeed to find them coming forward as relators, and saying that the defendants ought to be removed as trustees because they are not of the same opinions with Lady Hewley. My lords, I own it seems to me that these relators not only would have shown more Christian charity, but would have shown more prudence and discretion, if they had been content with the very, very large proportion they have hitherto enjoyed of Lady Hewley's bounty, because, by grasping at the whole, the whole may be lost to them.

Sir Robert Monsey Rolfe was the counsel of the Socinians throughout this suit, as also upon the second information in the Wolverhampton case. Baron Parke praised his argument before the Lords, and it is said that Lord Brougham was so struck by that addressed to him that it gained Mr Rolfe the solicitor-generalship, and was consequently the foundation of his fortunes. Though descended from three generations of clergymen he is the great grandson of Dr. Monsey, a physician of very free opinions, and receiving his name after three descents, liberality of sentiment would in some degree be hereditary with him. He was in every court a courteous and fair opponent.\*

\* His independent spirit was shewn in the more genial atmosphere of the Court of Chancery, not only by his reference to Arminianism quoted p. 324, but by his repeating Dr. Johnson's opinion of the Assembly's Catechism, "as one of the most sublime works of the human understanding," and his reading all Calamy's account of Mr Bowles even the following. "Among other pliable souls who strangely increased and multiplied upon that sudden change (the act of uniformity) there was one Mr H—, who, not long after his having begun to read the prayers was accidentally met by Mr Bowles, who accosted him in this manner: 'Well, brother H—, how like you the Common Prayer?' 'Truly,' said Mr H—, 'Its but dry stuff.' 'I always thought so,' said Mr Bowles, 'And I suppose that may be the reason why our vicars choral run to the ale-house as soon as they have done reading.'"

Mr Knight Bruce and Mr Kindersley both showed that the doctrines they had to discuss had been the subject of previous meditation and personal interest, and they proved that the most sacred themes can be discussed before secular tribunals with all solemnity and reverence, and at the same time with all the freedom necessary in a court of judicature. The junior counsel on both sides, Mr Romilly and Mr Booth, showed themselves masters of their arts. How well the defendants were advised in the matter of evidence will be seen.

Mr Knight Bruce's powers of sarcasm were called forth here and there by points or incidents in the cause, and he most humorously asserted his own representation of the Attorney-General (in opposition to Sir John Campbell, who supported the appeal against the decision in his own favour,) speaking of himself as Attorney-General in the spirit, while Sir John was Attorney-General in the flesh; and on the latter becoming testy, apologising for him to the court as his estimable client who was unaccustomed to judicial proceedings. The only revenge that was open to Sir John was to praise Mr Kindersley's "temperate, mild, and Christian spirit," except some concluding observations\* which he pardoned.

The argument of the defendants having been stated (for the second time) in their own words at p. 203, complaint cannot be reasonably made that some passages from Mr Knight's speech are introduced here.

Mr Knight Bruce having read the Rev. J. Grundy's examination as to the instruction at Manchester college, the following remarks followed :

\* "My Lords, if it be the case, as the Attorney-General has said it is, that it is a new decision upon this question, and is determining, or will determine, the decisions in a great number of other charities similarly situated; if it be the case that in a multitude of charities created by Nonconformists or Presbyterians with the intention of having them devoted to the propagation of Trinitarian worship or doctrines, these have been applied suddenly or imperceptibly and gradually to persons of a totally different way of thinking; if, I say, that be the case, and this is a general question, and your lordships' decision will affect not only this but more cases, so far from thinking that the inference drawn by my learned friend should have any operation in deterring your lordships from affirming this decree it will be a reason why your lordships, as far as you can look at or make use of any such motive or feeling, it would be a double reason why your lordships should affirm, and be glad to affirm, this decree. You would be glad if you felt that this decision was not merely to restore to those for whom it was intended this £3000 or £4000 a year, or whatever is the amount of it, but would have the effect of taking from those who have usurped them, in a multitude of instances, funds which were intended by those who created them for persons of Trinitarian sentiments."

Lord BROUGHAM.—I suppose what Mr Grundy must have meant to say, in his evidence as to the course of College education, when he says that there was no inculcation of any particular doctrines or tenets—Mr Walker having said that the Unitarian doctrine was sedulously inculcated ;—what Mr Grundy meant must have been that, in so far as the fundamental rules of the college are concerned, there is no test required.

Mr KNIGHT BRUCE.—I certainly should wish so to consider it.

Lord BROUGHAM.—They do not say that they subscribe Unitarian articles, but at the same time they do not mean to say that they do not teach Unitarian doctrines.

Mr KNIGHT BRUCE.—I am anxious so to consider it, both with reference to Mr Grundy and Mr Darbyshire, because really the proposition that there should be a theological tutor who does not inculcate any particular views of theology, has something so inexpressibly absurd in it, at least to my apprehension, that I am really at a loss to know what it means. If he had been the classical tutor, I could conceive that he might teach the students without inculcating any particular doctrines, to translate the Septuagint, or to translate the New Testament. He might mention various readings ; he might lay the editions of Griesbach, and Schleusner, and others before the student, leaving him to choose which he would ; but then he would be only the classical tutor. Unfortunately, Mr Kenrick is the classical tutor, Mr Hincks is the mathematical tutor, and Mr Wellbeloved is the theological tutor. Translation is not his business ; it is interpretation as distinguished from translation which is the business of the theological tutor. What the theological tutor has to do there ; what the annual five guineas per student are paid for ; what the £200 a year is paid for—I am at a loss to conjecture. Therefore, I must suppose that Mr Wellbeloved's account of his mode of teaching theology given by him in his answer, must be understood in the manner which I was so much gratified to hear suggested by the noble and learned Baron who has just now addressed the House.

My Lords, the passage I am now about to read is from one of Mr Wellbeloved's answers : " This defendant says that it (Manchester College) is an establishment " for the purpose, principally, of supplying the churches of that denomination with a succession of ministers, but not for the purpose of instruction in the peculiar doctrines of any sect. And this defendant saith, that no such instruction is given,"—this is the theological tutor, my Lords—" that no such instruction is given, but that the principle upon which the institution is established and conducted is, that every student shall be left to the free and unbiassed exercise of his own private judgment in matters of religious opinion."

Bishop of LONDON.—Where is that ?

Mr KNIGHT BRUCE.—I am reading this from the appellant's appendix.



Bishop of LONDON.—You are not reading the letter.\*

Mr KNIGHT BRUCE.—No, my Lord, I do not understand how that letter and this answer could have come from the same person; but then I have only a very ordinary and limited understanding. [He then quoted a passage from Mr Wellbeloved's answer, p. 269.]

Now my Lords, there is a great deal of very good advice, very well expressed, in what Mr Wellbeloved has here stated; but then, except so much of this advice as relates to morals and mere discipline of the mind, it is just the very course of conduct which a theological tutor ought not to pursue, unless there is some mode of teaching theology which is quite foreign to my apprehension, and which my understanding is unable to embrace. Mr Wellbeloved here aptly describes the duties of a linguist and a critic; but the duties of a linguist and a critic are one thing, and those of a theological tutor are another. What is theology? Unless theology means something beyond the abstract and general belief in the existence of a Supreme Being, which one supposes all mankind, or nearly the whole of mankind to hold, it means nothing, unless it inculcates some particular form or mode of religious belief; and therefore, as I have quite satisfied myself that Mr Wellbeloved meant to state what was not inaccurate, I profess my inability to comprehend what he has said. So much with regard to the evidence of the mode of teaching what is called theology in that college.

\* \* \* \*

As to the phrase 'godly preachers' he said:

That which is godly in one sense is ungodly in another. That which is godly to Unitarians is ungodly to Christians. That which is godly to a Turk is ungodly to persons of a totally different persuasion. It is a term that includes an unavoidable and essential reference to the person who uses it, because it is a term that can only relate to his own opinions and to his own modes of thinking, as testified by his habits of acting; and therefore it is one of those indefinite expressions (to borrow the language of Mr Baron Bayley) as to which there is not only a right to give evidence, but one the construction of which is really impossible without evidence. You are acting in the dark, just as if you had to expound a will in a foreign language without knowing it, until you arrive at the meaning which can only be derived from the habits and position of the person who uses it. There is in this case also the further circumstance, that beyond its essential reference to the habits and modes

\* This letter was a circular of Mr Wellbeloved's to Socinian ministers. "Reverend Sir, not doubting that you are convinced of the importance of preserving a succession of regularly educated ministers in our class of dissenters, I take the liberty, in compliance with an order of a general meeting of trustees, of requesting that you will recommend the support of the Institution now established at York in a sermon to your congregation, and permit a collection to be made for that purpose."

of thinking and speaking of the person who uses it, there is also the use of the word at a period of time considerably remote from our own, when there may have been, and in many instances undoubtedly was, a mode of speaking and a mode of expression with which we are not now familiar. The fashion in words, as well as in dress and in other matters, changes importantly. Words used in the best societies and by the best educated persons in the reign of Queen Anne are now either totally out of use or applied to subjects and matters essentially different. In considering, therefore, an instrument made a great number of years ago, we are not to limit ourselves to the consideration of what is the meaning of the term as at present used, but we are to consider what was the meaning of the term according to the ordinary use of language at the time when it was used.

\* \* \* \* \*

Now, my Lords, I have already taken the liberty of calling your Lordship's attention to the true and accurate mode of accounting for all the passages that have been brought under your Lordships' attention from the various writers who have been cited upon the subject of toleration, communion, Christian forbearance and possible or probable communion: I have shown your Lordships, that all, or nearly all, of the variety of writers from whom those passages have been quoted, have agreed that there are some fundamental points upon which toleration is irreconcilable with the duties that Christians owe to their religion. Baxter in so many words divides heresies and differences of opinion into tolerable and intolerable, and in so many words ranks the denial of the Trinity among them which are intolerable. So with regard to various other writers who have been mentioned; they were desirous to sink minor differences, they were desirous that all disputes among themselves, as to matters of church discipline, matters of interpretation of particular phrases, which were consistent with a belief in Christianity as understood by them; they were desirous that such matters should not lead to disunion to a greater extent than that disunion had already existed. But not one phrase will be found in any one of the writings that have been brought under your Lordships' attention extending that toleration to the denial of the Trinity. There has been passage after passage quoted by my learned friends who successively addressed your Lordships, and a great deal of general declaration of Christian charity, the necessity of forbearance, the desire for mutual communion, and so on, but not in one passage is there a phrase or an expression which can be tortured, when properly considered, into an approval or toleration of what is called Unitarianism. I cannot but complain of passages having been read by those who perfectly know what a different result and conclusion they were designed to encourage or promote. Passages I have read from the

same authors to a great extent, and others, who clearly show this opinion upon the point at issue, and the intolerable nature in their estimate of the doctrines of Unitarianism ; which shows that their discussions have proceeded on this common basis, that they were all considered and believed to be Christians, but upon points upon which a man could not think in a particular manner without ceasing to be a Christian, they were considered entirely out of the question, and as belonging to those who were common enemies.

My Lords, something has been said in the argument of the necessity, or sufficiency I should rather say, (according to what is contended to be supposable to be Lady Hewley's opinions), of belief in the Scriptures generally, stating the Scripture was believed to be true, was the ground of doctrine, and was the rule of life, and that that was all that Lady Hewley desired of those whose ministry she designed to encourage.

My Lords, whatever we may think of the alleged mode of instructing youth in religious principles of which Mr Wellbeloved speaks in his answers, and which I have brought under your Lordships' attention, yet such a mode of inculcating religion is obviously inconsistent with the notion of preaching. Did it ever occur to the mind of any man that preaching the gospel was merely reading the words of the sacred text, and advising them to be followed ? We can understand, that upon points of morals, upon which there is a great difference of opinion as to the extent to which sermons should be treatises on morals, worthy and excellent people differ upon that point, some people thinking that the chief office of a sermon is matter of doctrine and faith, others thinking differently, but no doubt can exist that among the Nonconformists in general, and among those who approach nearest to their opinions upon such subjects, the nature and office of preaching is the expounding of the gospel and setting forth its doctrines and principles as they bear upon faith ; a notion which is utterly inconsistent with the mere reading of the gospel, or desiring it or inculcating it as to be believed, without stating in what manner or in what sense it is to be believed. It involves a palpable absurdity. Lady Hewley did not mean the reading of the Scriptures ; she has used the term 'preaching the gospel' according to the universal acceptance, as preaching the doctrines of the gospel upon faith and also otherwise, but assuredly upon faith, and stating how that gospel is to be received and to be believed. A common expression, particularly among persons belonging to that class and division of the Christian religion of which we are now discoursing, is that of preaching or not preaching the gospel : and the common sense in which that term is used imports approbation or disapprobation of the particular mode of receiving those tenets and doctrines upon points of faith which the particular preacher does or does not recommend or prescribe. It is a

necessity which is involved in the very expression, nor is it possible to conceive, as it seems to me, a greater absurdity than they would involve themselves in, who say that this person preaches the gospel according to Lady Hewley's meaning, who tells his congregation that they are to believe the gospel, but interprets it in any way that suits his own fancy.

\* \* \* \* \*

She was a Nonconformist, a great favourer of the ejected ministers; she would have shrunk with horror from preaching Popery, and would she have less shrunk with horror from hearing a denial of the Divinity of the Lord and Saviour from the pulpit? It is quite plain it would have been in her ears not only a grievous offence, but a grievous crime, to which she could not have listened without involving herself in the charge of blasphemy, according to the views of all those in whose opinions she agreed, and upon which both sides agree she believed. To say, as it has been argued, that the mere reception of the Scriptures, without attention to the sense of the Scriptures, is sufficient, involves a clear absurdity. You must consider the preaching of the gospel and receiving the Scriptures in one sense, and it is agreed that that must be the Protestant sense. What ground is there for the reception of it in a Protestant sense, which does not go the length of saying it must be the reception of the Scriptures in the Trinitarian, that is, the Christian sense?

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My Lords, I now proceed in the last place to allude to a matter of very minor and very inferior importance, but upon which I ask your Lordships to do justice, the expenses of this appeal. Are you to throw them upon the respondents? Are you to throw them upon the charity, or upon those who have prosecuted this appeal, after two decisions against them? My Lords, upon the main question there are those among the appellants who could not be ignorant. My Lords, I am not imputing to all these appellants depth of theological learning, or depth of historical or legal research; but I do impute to some of them, not to Mr Wellbeloved only, but to him in particular, full and accurate knowledge of the history of the Nonconformists, during the latter years of the seventeenth and the earlier years of the eighteenth century. Mr Wellbeloved, an able and instructed and learned person, could not have been ignorant of what their opinions and doctrines were; he could not have been ignorant what the views and feelings of Lady Hewley were; he has not, therefore, that apology which an ignorant and uninformed trustee would have. I make the same observation with regard to Mr Heywood, one of the appellants, who appears to be a gentleman of station and consideration, educated, I think, at the University of Cambridge, as he tells us; and there are others among them to whom perhaps the same observation

would apply : they cannot have erred ignorantly ; they may have supposed Lady Hewley wrong ; they may have considered Bates, Owen, Baxter, and Colton, the great men of those days, and entertaining those particular opinions, they may have considered them mistaken ; but they could not have erred as to what their opinions were. They could not have been ignorant of this, that the foundress of this charity must have held Unitarianism in abhorrence. With that knowledge, for upon that I insist, and I insist mainly and strongly, with that knowledge, with historical information upon the whole subject, with theological information, no doubt, of the most accurate and extensive kind upon the whole subject, what have those gentlemen for years been doing ? They have been applying to purposes wholly at variance with and wholly opposed to those for which they must have known this charity was founded, the property left by Lady Hewley in the manner I have mentioned, and as to which they had received the sacred character of trustees. If they had desired to participate in the profits of this charity, why did they not institute an adverse suit ? Why did they not exhibit a proper feeling, keeping themselves out of the trust ? That they might have done, and they might have claimed the benefit adversely, fairly, and without imputation ; but being, as I say they are fixed with being, men of learning, men of historical knowledge, men of research, they intrude themselves into this charity to get appointed to the sacred and confidential office of guardians of the revenues of this pious lady, for the purpose and with the intent of misapplying them, in using them in a manner which she would have detested and abhorred, and which in my humble judgment is a course of conduct not to be heard of without reprobation. I speak not of the claim, I speak not of the assertion of right, but I speak of the entrance into this trusteeship, not undertaking the sacred and confidential duties that belong to this office, but the predetermined resolution to act in direct contravention of it. My Lords, the large income, large with reference to this charity and the amount of the objects of it, the large income which for years the trustees have applied to Unitarian purposes, were the money of poor ministers of another persuasion, were the money of their orphans to be educated for the ministry, and of their widows left in destitution. My Lords, I am willing to believe that those who have knowingly, deliberately and advisedly pursued that course of conduct, have not fully viewed the consequences of what they were doing and the treachery involved in their proceedings ; I am willing to believe that ; but if they have acted with a knowledge of the consequences of what they were doing, with a full consideration of the treachery on which they were embarking, being trustees who had undertaken an important trust ; if they have done that, I should say there are none who have ever exposed themselves so fully to the scriptural denun-

oiation, entering the field of the fatherless and devouring the house of the widow.

Six questions were put to the Judges.

The first question was "whether the extrinsic evidence adduced in this cause, or what part of it, is admissible for the purpose of determining who are entitled, under the term Godly preachers of Christ's Holy Gospel, and the other descriptions contained in the deeds of 1704 and 1707, to the benefit of Lady Hewley's bounty."

MR JUSTICE MAULE.—If the most perfect certainty could be obtained with regard to Lady Hewley's belief on the point in question it ought not as it appears to me to influence the construction to be put on language in which she makes no reference to her own opinions or belief. It may perhaps be reasonably conjectured that a person founding a charity may hope and intend that its benefits may be enjoyed by persons of a like faith with the founder ; but if this conjecture be assumed to be well founded it does not follow that the evidence in question should be admitted. An express reference to her own religious belief was probably avoided on account of the great inconvenience and uncertainty to which it would lead ; and the same inconvenience would arise if such a reference should be implied, which it must in effect be if the belief of Lady Hewley be considered as material. If her desire were that persons of like belief with herself should be benefitted, the mode which she adopted to secure or promote that object was probably that of naming trustees whose faith conformed to her own, and providing for a succession of them in a way as little likely as might be to introduce successors of different sentiments ; and though this may have failed, I think it was deliberately preferred by those who prepared the deeds to the other mode of leaving it to the Court of Chancery for the time being to determine whose faith approached nearest to that of Lady Hewley.

Being of opinion that the belief of the foundress was immaterial to the purpose mentioned in the question, it follows that by whatever means of proof the nature of her belief were shewn, the evidence would, in my opinion, be inadmissible. But even if the belief of this lady were the proper subject of evidence, much, if not all, of the evidence adduced ought not to be admitted as not being fit for the purpose of proving it ; for example the extracts from Lady Hewley's will, and from Dr. Colton's will and from his funeral sermon would not, as it appears to me, be legitimate means of proving what was Lady Hewley's belief in a cause in which that question was properly raised.

The other class of evidence adduced for the purpose mentioned in the first question, is the evidence of the opinions of persons describing themselves as conversant with the history and language of the time when

the deeds were executed. It may be admitted that this description of knowledge is useful to those who have to construe written instruments, whether ancient or modern ; a deed or an act of parliament, or any other written instrument, whether a year old or a hundred or more years old, is more likely to be accurately construed by those who are conversant with the history, language, and manners of the time, than by those who are uninformed in this respect. But it does not follow that evidence such as that in question ought to be admitted ; on the contrary, the reason of the rule of law that written instruments are to be construed by the court and not by the jury, probably is, that this kind of knowledge was supposed to be more likely to be found in the court than in the jury. If the evidence in question were admissible it would follow that in a court of Common Law the construction of deeds would be left to the jury. . . . When the meaning of the words of a written instrument in the English language is the subject of controversy, historical and other works may with propriety be referred to in the argument addressed by the bar to the court, as is constantly practised, and as was done largely in the present case. In this way the court judging for itself of the weight of the authority cited, is as likely to arrive at a just conclusion as it would be by the assistance of witnesses, though they should respectively depose each of them to his own knowledge of history and theology. The cases in which evidence has been admitted to show the sense in which words are used in a particular trade, or in a particular part of the country, are not inconsistent with this doctrine. It may be reasonable to presume in the court a general acquaintance with the sense of words so far as it is to be gathered from the history of the country and its language, and yet to suppose that evidence is necessary to show in what sense a word is used in a particular trade or a limited district ; as a general acquaintance of the law of the land is presumed in the court, while the bye-laws of corporations and local customs are the subject of averment and evidence. If the evidence now under consideration be admissible it must be on a ground on which we ought to admit witnesses to depose to their opinion as to the meaning of any writing whatever, provided they would introduce their testimony by deposing that they had studied the English language, and were conversant with the construction of written instruments.

MR JUSTICE ERSKINE.—I take first the words ‘preachers of Christ’s holy gospel.’ The plain and obvious meaning of these words now, would be men who teach and explain the doctrines, facts, and precepts revealed in the Holy Scriptures with reference to man’s redemption. This holy gospel, then, as the revelation of an omniscient and unchangeable God, must always have been the same ; and if the Holy Scriptures, like ordinary human writings, were to be subjected to the ordinary rules of

construction, it would be for your lordships judicially to declare what were the facts and doctrines that constituted the substance of the gospel, and to declare that those who preach such doctrines, and those only, were to be considered as the objects of this part of Lady Hewley's trust. But as we are taught by the Holy Scriptures themselves that they cannot be properly understood, but through the teaching of the same Spirit by whose inspiration they were revealed, and as much difference of opinion on many points, and some conflicting judgment upon all, has always been found to exist in the church, we are compelled to look for some legal principle upon which Lady Hewley's meaning in using the words 'Christ's holy gospel' may be ascertained, without violating on the one hand, the ordinary rules of construction by the admission of evidence as to her own religious opinions, or assuming, on the other hand, for the Temporal Courts, the power of deciding questions of religious controversy. The true test of the meaning of these words 'Christ's holy gospel' therefore appears to me to be that which I have pointed at in my general remarks; the sense in which these words were generally used and understood in England at the date of the deed under examination; and that neither Lady Hewley's own opinions nor the opinions of the sect to which she belonged, can be resorted to, unless it should appear that the words at that time were susceptible of a double construction, either being equally applicable, and yet so inconsistent with each other as to render the adoption of them both impossible or irrational. . . . I humbly submit that it is for your lordships, by reference to history, to the public writings of known contemporary authors upon the subject, to ascertain and to decide what doctrines were, at the period in question, generally received and understood as the essential and fundamental doctrines of the Gospel of Christ. If indeed the result of that inquiry should leave your lordships' minds in doubt whether, in reference to the questions to be decided in this cause, there did [not] exist at the period in question any general understanding in the Christian Church as to the essential doctrines of the gospel, and your lordships should thus find yourselves at a loss for a clue to the meaning of those words in Lady Hewley's deed; if your lordships should further find one class of professing Christians propounding certain doctrines and facts, as forming the foundation and essence of the gospel revealed by the Scriptures, and another class denying that any such doctrines or facts were revealed in the Bible, and that those conflicting opinions were respectively adopted by such equal proportions of the Christian Church as to render it difficult to say that the gospel of Christ even as to essential points had any definite meaning generally acknowledged at that time, in such a case indeed inasmuch as it would be impossible to suppose that Lady Hewley (whose obvious intention it was



to promote the spiritual welfare of others by the propagation of that faith by which alone they could be saved), could have been indifferent about the doctrines to be taught, or could have meant that opinions so opposite upon the essential truths to be believed, should equally form the objects of her trust, it would become necessary, and in that case allowable, to inquire to which of these two classes Lady Hewley herself belonged.

MR JUSTICE COLERIDGE.—In proportion as we are removed from the period in which an author writes, we become less certain of the meaning of the words he uses ; we are not sure that at that period the primary meaning of the words was the same as now, but by the primary is not meant the etymological, but that which the ordinary usage of society affixes to it. We are also equally uncertain whether at that period the words did not bear a technical or conventional sense ; and whether they were not so used by the writer. . . . When therefore we are called on to construe deeds of the years 1704 and 1707, it seems to me that we are not only at liberty, but are bound, to enquire what at that time was the meaning of the phrases used in them, not taking for granted, because they bear a certain clear meaning now that they did so then, and we are also I conceive bound to enquire whether at that time they bore any technical or scientific sense ; and if so we must judge from the context, whether in the particular instance they were used in that sense.

. . . The rules of evidence must expand with the necessities of the case, or the end for which they are established would be sacrificed to the means ; and accordingly it is well known that in what is matter of history, and relates to the public at large, a class of evidence has always been admitted such as histories and chronicles which would not be received in an issue upon a matter of private right. . . . Evidence indeed of this description was read in great abundance on the hearing of this appeal by the appellants as well as the respondents, irregularly of course (and it may be taken to have been by consent), as to the time of its introduction, but not objected to, I believe, as inadmissible in itself. The struggle, indeed, was made upon the evidence applicable to Lady Hewley herself ; and I fully concede that if it were offered for the purpose of introducing words of exclusion, or any words into the deeds not already there, or to raise an inference of intention not expressed, it could not properly have been admitted. But your lordships' question does not suppose any such purpose, and merely to prove that Lady Hewley was one of the class by whom the debated words were commonly used in a certain secondary meaning, all her acts bearing on that subject matter appear to me properly proveable. Under these I include, or rather they will introduce, the

places of worship she frequented, the divines she followed, or with whom she was in habits of friendship, the conditions she imposed expressly on the objects of her bounty ; and these will make evidence indirectly of what discloses the nature of those places of worship, the opinions of those divines, their works, and history. It may be that this opens an inconveniently wide range of inquiry ; but if the fact sought to be proved is strictly conducive to the proof of the fact in issue in the cause, the objection of irrelevancy does not arise, merely because it is not itself the fact in issue. The extent of the inquiry grows out of the nature of the matter to be inquired into.

Viewed in the light in which I view this evidence, as well that which more directly applies to Lady Hewley herself, as that which relates to her friends and advisers, the objection as to time does not seem to me properly to arise. It is said for example, how can you expound a deed of the year 1704 by a deed of the same party in 1707 ? How does an intent, expressed ever so clearly, in 1707 conduce to prove an intent existing, but unexpressed, in 1704 ? My answer is (just observing that if the interval of time were very much shorter I should think the objection of equal force, unless I could make the two deeds parts of one identical transaction) that the deed of 1707 is not used to introduce anything into the deed of 1704 not already written there ; but that, in order to understand the language of the deed of 1704, I am seeking to show that Lady Hewley was one of a large class by whom certain words used in that deed were commonly used in a particular sense ; the words by the hypothesis being capable of that meaning. Now in order to show her of that class in 1704 it would be unreasonable to limit my proof to the precise day, month, or year of the execution ; there is a presumption of consistency of opinion on serious, especially religious questions. . . . On the principles I have laid down, it seems to me that such particulars in the evidence as the will of Sir John Hewley or the funeral sermon by Dr. Colton were, in strictness, admissible, not as declarations by them either of what Lady Hewley was or they were, but as acts done by them showing what they were with whom she lived in most confidence, and her belonging to whose class of religionists may fairly be presumed. . . . Of course I must be understood as speaking of the evidence in classes, and in its more important details. I do not undertake to say there may not be some unimportant particulars, in the large mass received without objection, that may not fall in with the principles on which I think the general body admissible. I may mention as instances, such sentences as are to be found here and there in the depositions of witnesses speaking merely of belief founded on tradition and report of the Trinitarian opinions of Lady Hewley ; these do not go to the proof of either of the propositions on which this

case stands, in my judgment, and are objectionable therefore as irrelevant, and also as to the foundation on which they stand.

MR JUSTICE WILLIAMS.\*—The very extent to which the words ‘pious and godly preachers of Christ’s Holy Gospel,’ by the supposed and alleged obvious meaning, may, or I ought rather to say, must be carried, raises a doubt in my mind whether that could have been the meaning of Lady Hewley, which meaning I assume it to be clear it is the object to pursue. The very generality of the language in this case creates the embarrassment and the necessity of limitation. If the words raising the question are to be taken in their ordinary sense, what is there to hinder an ample selection being made then or now from members of the Church of England fulfilling in every particular the prescribed requisites? Why not from amongst priests of the Roman Catholic persuasion? Is it to be doubted that from amongst the latter a selection might be made of ‘poor and godly preachers of Christ’s Holy Gospel?’ And yet in the judgment of four judges (two of Equity and two of the Common Law), these words have received such an interpretation that in their opinion members of the Church of England are excluded, and in the argument of this case at the bar by the learned counsel (now a member of your Lordships’ House) an opinion to the same effect was distinctly expressed. ‘The will of the founder is the thing to be ascertained, that I assume throughout to be without dispute; and in an endeavour to arrive at that, the meaning of particular expressions not generally or in the abstract, but the meaning of those expressions as used in the deed of foundation, is the proper subject of inquiry, in what sense she (the foundress) used them; and upon this point (ascertaining the meaning of a deed) the circumstances of the party making it at that time (the time of making) are admissible generally; and in this particular case the reason why I consider the extrinsic evidence admissible at all is that it has a tendency to show the status (if I may be allowed the expression) of Lady Hewley as to religious opinions, and therefrom to lead to some inference (no matter whether more or less, that regards only the effects) as to the sense in which she employed the words which I have already said are in my opinion indefinite and ambiguous. That status (if so it may be called) is in truth a matter of fact to be determined, like any other, by evidence applicable to it, evidence varying of course in each case according to the nature of the fact to be established, but still a matter of evidence.

MR BARON GURNEY.—Although the term ‘godly’ is too plain to be misunderstood, for we have only to have recourse to our Bible and our Prayer Book to shew in what sense it is used; yet the phraseology employed in describing the first and principal object of the founder’s bounty

\* Sir John Williams, celebrated for his Greek epigrams.

'poor and godly preachers of Christ's holy gospel' appears to me not to be at the present time in that general use which enables the reader of the deed to ascertain with precision the sense and meaning of the founder (except as it may be collected from the state of the law at that time, which is another consideration.) If the founder was connected with a religious party, by which this phraseology was employed in a certain sense, I think that it is admissible to inquire what was that party, and in what sense they used this phraseology, and if it can be ascertained in what particular sense the term 'godly preachers of Christ's holy gospel' was used, that may assist in ascertaining the meaning of the term 'godly' in other parts of the deeds.

Mr BARON PARKE.—Before I answer the first of your lordships' questions I wish to premise that I conceive it to be perfectly clear that in determining who are entitled to the benefit of a charity by virtue of a deed or will, precisely the same rules are to be followed as to the admission of extrinsic evidence as in construing any other deed or will. The intent of the founder is to be ascertained from the meaning of the words in the instrument of foundation alone, with the aid of such extrinsic evidence as the law permits to be used in order to enable a court to discover the meaning of the terms of any written instrument, and to apply them to the facts. Whether the instrument constitutes a trust for charitable purposes, and those either of a religious nature or not, or is executed for some private object of the parties to the deeds, the extrinsic evidence admitted in order to construe it must be subject to the same rules and confined within the same limits. This being assumed as a matter which cannot be controverted, I apprehend that there are two descriptions of evidence (the only two which bear upon the subject of the present inquiry), and which are clearly admissible in every case for the purpose of enabling a court to construe any written instrument, and to apply it practically. In the first place there is no doubt that not only where the language of the instrument is such as the court does not understand, it is competent to receive evidence of the proper meaning of that language as when it is written in a foreign language; but it is also competent where technical words or peculiar terms, or indeed any expressions are used which at the time the instrument was written had acquired an appropriate meaning either generally or by local usage or amongst particular classes. This description of evidence is admissible in order to enable the court to understand the meaning of the words contained in the instrument itself by themselves, and without reference to the extrinsic facts on which the instrument is intended to operate. For the purpose of applying the instrument to the facts, and determining what passes by it, and who take an interest under it, a second description of evidence is admissible, viz., every material fact that

will enable the court to identify the person or thing mentioned in the instrument, and to place the court, whose province it is to declare the meaning of the words of the instrument, as near as may be in the situation of the parties to it. . . . Evidence was therefore admissible that amongst Protestant Dissenters, or a peculiar sect of them, or generally amongst all persons at that time, these words, though of a general nature, were applicable *prima facie* to all poor and godly preachers of Christ's holy gospel ; and of course, including ministers of the Established Church, had acquired a more limited meaning and were confined to a certain description only of such preachers, and supposing it to have been proved that a particular class had always used and understood these words in a restricted sense, it would have been unquestionably permitted to prove that Lady Hewley belonged to that class. When the appropriate meaning of these expressions has been established by competent evidence then the deed is to be read as if the equivalent expressions were substituted, and no further evidence of the peculiar sect or religious opinions, or any other circumstance attending the parties to the deed, is admissible to control or limit their meaning. Such evidence is not in my judgment material to enable the court to construe the deed within the meaning of the second rule. If it had been established by conclusive evidence, or from other legitimate sources that the words, godly preachers, had meant Protestant Dissenting ministers, no parole declaration of Lady Hewley that she intended only a particular class or sect, or individuals with particular opinions, would have been admissible ; nor could evidences of her conduct, character, habits or opinions, have been received to raise an inference of such intention. The deed must speak for itself, no matter what she intended to have done, even though it should be proved from her own mouth ; still less what it may be supposed she would have wished to have done. The sole question is, what is the meaning of the words in the deed ? and if these of themselves, or with the aid of evidence of a peculiar signification attached by usage, mean all of a certain class ; for instance, all such Protestant Dissenting ministers as the trustees should from time to time select, it matters not that her own religious opinions would make such a disposition unlikely, it is a case of *quod volice non dixit*. I must own I much doubt whether any of the evidence offered in the case to explain the meaning of the general words used was admissible. The sermon of Dr. Colton and the will of Sir John Hewley were clearly inadmissible to prove the religious opinions of Lady Hewley, and the parole testimony of Dr. Pye Smith, Dr. Bennett, and Mr Walker, to the 17th interrogatory which they founded upon their acquaintance with various publications of that day, I hardly think can range itself within the class of cases in which the opinion of men of science or skill is admitted on a question of

science or art. But this inquiry would not be very material if from the above-mentioned sources of information, which are equally open to the court as to the witnesses, it appeared that the general terms 'godly preachers of Christ's holy gospel' had acquired a peculiar meaning when used by Protestant Dissenters. I am inclined to think that it does so appear, and that these words used by Dissenters do not comprise members of the Church of England, and if so, I am of opinion that evidence of Lady Hewley being a Protestant Dissenter was properly admitted, though some of it was not of an admissible character, but not the evidence offered for the purpose of shewing that she was a Trinitarian Dissenter.

LORD CHIEF JUSTICE TINDAL.—I conceive when a doubt has been once raised as to the meaning of words that is in the present case as to the persons intended by Lady Hewley under the terms 'godly preachers of Christ's holy gospel,' 'godly persons,' and the other expressions, the court by which that doubt is to be decided has a right to inform itself, and is bound, if possible, to learn what was the acknowledged and received sense and meaning which those expressions bore at the time when Lady Hewley lived, and as near as may be at the time of the execution of those deeds; and for that purpose that all extrinsic evidence calculated to throw light upon the meaning of those words at that time is clearly admissible. Of that description are public records and documents throwing light upon the religious history of the times; the language of the statute books and every enactment relating to the state and condition of the church, and of the religious sects then known in England; contemporary history; contemporary treatises and tracts upon the religious tenets held by the different sects; the works of men of acknowledged eminence and weight in their respective persuasions, and published and circulated at that period; and the early and contemporaneous application of the funds of the charity itself by the original trustees under the deeds. All extrinsic evidence of this nature which must be considered, both from the arguments of counsel at your lordships' bar, and from the reference made thereto in their judgments by the learned judges in the court below, to have been actually applied in the determination of the case, though not formally tendered, was strictly and properly admissible for the purpose of explaining the sense in which the language contained in the deeds was used at the time, and in which it is now to be construed. But as the evidence which I have just described is evidence which is presumed to be in the mind of the Judge or court, it is evidence which they furnish to themselves by reading, research, and reflection, not that which they receive from the mouths of witnesses; and on this account I think all the extrinsic evidence which was actually given in the cause for the purpose of determining who were entitled

under the term 'godly preachers of Christ's holy gospel' and the other expressions used in the deeds, was inadmissible. Such, for instance, as the evidence of Dr. Pye Smith and Dr. Bennett, as to the religious opinions of the Presbyterians and of other Protestant Dissenters in the time of Lady Hewley; their interpretation of the terms used in the deeds, and their evidence of the religious opinions of Lady Hewley herself. The production also of the will of Sir John Hewley and of Lady Hewley, in proof of the private religious opinions of Lady Hewley, appears to me, both in respect to the point to which they were produced, and to the character of the evidence itself, not admissible by law. It is unnecessary, however, to specify each particular article of the evidence produced, after having traced out the general nature of the evidence on which alone I think the construction of the deeds ought to depend.

The state of the case thus seems to be that Justices Maule and Erskine, Baron Parke and Lord Chief Justice Tindal, were against the reception of any evidence as to Lady Hewley's private opinions, and of evidence from living witnesses as to the opinions of the old Presbyterians. All the judges except Justice Maule thought that the books of Lady Hewley's day might be consulted to show the meaning attached by her party to the expressions which she used in her will. Justices Williams, Coleridge, and Gurney seem to consider all the evidence admissible, but Justice Coleridge hesitated whether any special meaning of the words was made out.

The third question was "Whether in putting a construction upon the deed of 1704 any, and which, of the provisions of the deed of 1707 may be referred to."

Justices Maule and Erskine, Baron Parke and Chief Justice Tindal thought that the deed of 1707 could not be referred to in determining the meaning of the deed of 1704. Justice Coleridge thought it went to show the class of religionists to which Lady Hewley belonged. Justice Williams seems to have thought the deed of 1707 might be referred to in order to ascertain Lady Hewley's opinions as any other evidence might. Baron Gurney thought the deeds might be considered as one transaction.

The second question was, "If such evidence be admissible, what description of ministers, congregations, and poor persons, are proper objects of the trusts of those deeds respectively?"

Mr Justice Erskine thought that members of the Church of England were included in each description of the objects of Lady Hewley's trusts. All the other judges thought that the preachers

and the husbands of the widows must be Protestant Dissenters. Justice Coleridge, Mr Justice Williams, Baron Gurney, and Chief Justice Tindal thought Protestant Dissenters only were fit objects of any part of the charity, but Mr Justice Coleridge saw no absolute necessity for that restriction as to the almswomen. Baron Parke thought the charity, except as to the almshouses, was confined to Dissenters, but that anyone was admissible as an alms-person who believed the doctrines of the creed and Mr Bowles's Catechism.

MR JUSTICE MAULE.—If the Established Church were spoken of or intended to be comprehended, it would have been expressly mentioned, or some word appropriate to the Establishment, such as 'clergymen,' 'priests,' 'students for holy orders,' or the like, which lay in the way of the framers of the deeds would have been used. It is true that clergymen of the Church of England may and do preach the gospel, but that is not their sole or most distinguishing function; and when preachers of the gospel are spoken of as a class the clergy conforming to the Established Church are not, according to the ordinary use of language, comprehended. . . . I do not lay any stress upon the term 'godly' in excluding the Church of England, being of opinion that the word is used in these deeds in the sense which belongs to it in the translation of the Bible, and in which it is used in common discourse now, and has been for centuries, a sense in which it is pretty nearly equivalent to the word 'religious.' As to certain classes applying the expressions to themselves, and having it applied as a term of reproach by others, it seems to me, not that this word was used in a different sense from what now belongs to it, but that those classes believed or desired it to be thought that they possessed the quality at that time and now signified by this word, and that their enemies used it in derision, by a very common fashion of speech calling those godly, who they meant to say made false pretences to be so.

The trust for godly persons in distress being fit objects of Dame Sarah Hewley's and the trustees' and managers' charity seems to me to be intended to give the trustees in the administration of so much of her funds as remained after the special objects had been fulfilled, and which probably was expected to be very small, a discretion to apply it to the relief of all such distressed persons as should appear to them deserving, and to be worshippers of the true God, and not living in wilful neglect or defiance of his laws. I cannot bring myself to think that the terms 'being fit objects of the said Dame Sarah Hewley's and the trustees' and managers' charity' were meant as a restriction referring to the sect to which the godly distressed persons were to belong. It seems to me that it is a charitable and a true construction to understand these words as



referring to fitness with respect to the nature, cause, and amount of the distress of the parties.

MR JUSTICE ERSKINE.—It has been supposed that the word 'godly' was intended by Lady Hewley to limit the selection of her trustees to preachers dissenting from the Church of England, because it is said that in Lady Hewley's time the word 'godly' had acquired that limited sense. If it could be shown that the word had been generally so used and understood, I should have acquiesced in the conclusion suggested; but the word is in itself plain and intelligible, and we learn from our translation of the Bible, by the liturgy of the Church of England, by the writings of learned and pious men of every religious persuasion, that it has always borne the same general signification which it now has; and although it may be true that the words 'godly preachers' were about the time in which Lady Hewley lived, and with which she was conversant, appropriated by those who dissented from the Church of England to their own ministers, yet even in this peculiar appropriation it was employed in its general and ordinary sense, and was intended to mark the contrast alleged to exist in fact in spiritual life and holy zeal, between those who preached within the church and those who preached without it. But it would in my opinion be contrary to the rules of sound legal interpretation to allow this partial application of a term to a particular class to strip it of the more comprehensive sense in which it was generally employed.

In my opinion under the terms 'poor and godly preachers for the time being of Christ's holy gospel' all poor and holy men who at the time of their selection by the trustees, were actually preachers of the gospel as it was generally received and understood by English Protestants at the date of the deed, were proper objects of the first trust of that deed, whether they were conformists or non-conformists. I think the trustees were confined to select such preachers from amongst Protestants, because the language of the deed seems to be generally inapplicable to the clergy of the Roman Church, because the provision for the widows of such preachers points at a class of married clergy, and because there are tenets of the Roman Church incompatible with the doctrines then generally understood and received by Christians in England as constituting the gospel of Christ. I think the trusts were not confined to Nonconformists or Dissenters, because the terms employed were not inapplicable to poor and godly curates of the Church of England, although the term poor might seem to exclude a beneficed clergyman from all participation in the benefit of the trust, and because I do not find that the word 'godly' had then acquired a meaning exclusively applicable to Dissenters or Nonconformists. But I further think that whether evidence of the fact of Lady Hewley being a member of the

Presbyterian body and of the religious opinions of that class of Christians be admitted or not, the trustees were restrained by the terms of the deed from selecting any preacher who taught as part of the gospel of Christ any doctrines at variance with the doctrines then generally received and understood as fundamental and essential doctrines of the gospel, or who purposely or systematically suppressed in their preaching any of such fundamental and essential truths.

**BARON GURNEY.**—The term preachers is not one which is applied to clergymen of the Church of England. Another provision is for the preaching of Christ's holy gospel in such poor places as the trustees shall think fit . . . . The provisions for the almspeople, who are to be nine poor widows or unmarried persons of a certain age, and a tenth person who is to be a sober, discreet and pious poor person who may be fit to pray daily twice a day with the rest of the poor in the almshouse, if such a man can be conveniently found. There is no direction for any form of prayer; and I think it must be understood to speak of extempore prayers. The almspeople . . . are to be such as can repeat . . . not the Church Catechism, but the Catechism of Mr Edward Bowles . . . It is in evidence, and it is uncontradicted, that the terms 'godly ministers,' 'godly preachers,' and 'godly persons,' were in common use by Protestant Dissenters of that time as applied to their ministers and preachers, and members who were considered to be devoted to religion: there is no evidence that at that time this phraseology was employed to designate any other description of persons; there is further evidence that Lady Hewley was a Protestant Dissenter, and I think that she must be considered as sincerely attached to the party of which she was a member. That she was zealously affected to religion itself is evident. Piety and benevolence pervade the whole of the disposition of her deeds.

**Mr BARON PARKE.**—It appears to me that coupling the evidence which I have before stated to be admissible of Lady Hewley being a Protestant Dissenter and the usage since the time that the deed of 1704 came into operation, by which members of the Church of England have uniformly been excluded, the term godly preachers, &c., used by her, meant a class of persons not of the Church of England, and I infer this partly from the use of the term godly, partly from that of the word poor, which may have been used in the sense of unendowed, principally because the term preachers was not usually applied to the ministers of the Church of England, who had their liturgy and homilies, but rather to those who looked on preaching as the principal and the most effectual means of extending the influence of religion, I have no doubt also that ministers of the Roman Catholic faith were not included in that term. Protestant Dissenters, therefore, alone are the proper objects of the charity.

LORD CHIEF JUSTICE TINDAL.—The words indeed if taken separately and singly would undoubtedly in their literal meaning be large enough to comprehend all men of pious and godly habits of life, who preached the true doctrines of the holy gospel of whatever church or persuasion they might be, whether priests of the Church of Rome, or beneficed clergy of the Established Church in England, or dissenters from that church of every denomination, provided only they possessed the two requisites or conditions, viz., that they were men of godly habits of life, and preached the true gospel of Christ; and the words themselves taken singly and separately do not appear to have varied in any degree from their original meaning. But . . . the phrases above referred to had obtained generally in England, long before the date of the foundation deeds, a less extensive signification. The term godly had been originally applied by the Puritans to the preachers approved by them, and at the time of Lady Hewley had descended to those who at that time formed the body of nonconformist dissenters from the Established Church. Preachers again was a term which in Lady Hewley's time was affected by dissenters from the Established Church, who considered themselves rather as persons whose mission was to preach the gospel than to minister the ordinances and lead the devotion of the people, and indeed in the Act of Toleration these very persons are described as preachers and teachers. And lastly the word 'poor' did in a most especial manner point at those for whom no public provision was made by the State, but who subsisted on the voluntary contributions of their respective flocks. I consider therefore at the time of the execution of these deeds, the phrase 'godly preachers of Christ's Holy Gospel' had acquired the new and particular sense of preachers of the different classes of Protestant dissenters from the Established Church, who professed and preached what were generally acknowledged at that time to be the doctrines of the Holy Gospel of Christ; and who were then tolerated by the law of the land; and which classes it is well known were at that time divided amongst themselves into the Presbyterians, the Independents or Congregationalists, and the Baptists, all of whom were believers in the doctrine of the Holy Trinity.

The fourth question was, "whether upon the true construction of the deed of 1704 ministers or preachers of what is commonly called Unitarian belief and doctrine, and their widows, and members of their congregations, and persons of what are commonly called Unitarian belief and doctrine, are excluded from being objects of the charities of that deed."

The fifth question was the same as to the deed of 1707.

Mr Justice Maule held that Unitarians came within the language

of the deed: all the other Judges held them not fit recipients of the charity.

• Mr JUSTICE MAULE.—It appears to me that if such exclusion, (of Unitarians), were intended, it would have been expressed, as it is in the Toleration Act, and that the reasons which have been suggested for implying it wholly fail. These reasons are principally that the terms ‘godly’ and ‘gospel’ were not applied to persons of the sentiments in question; that at the time of the deeds it was unlawful, and liable to penalty, to preach such doctrines; and chiefly that Unitarian doctrines are repugnant to the essence of Christianity, and consequently that those who hold them could not be comprehended within any charity for Christian purposes. But it seems to me that, without considering extreme cases which may be supposed, and speaking with respect to such sects and doctrines as usually occur in practice, all those may be said, and according to the common use of language are said, to preach the gospel who profess the name of Christ and preach a religion avowedly founded on the Scripture; that ‘godly’ is to be considered as having the sense mentioned in the answer to the second question. The circumstance of the preaching of these doctrines being unlawful at the time of the deed is I think in itself quite immaterial, unless it can be supposed that those who framed the deeds intended that the trustees should be regulated not by the law for the time being, but by that in force at the time the deeds were executed; a supposition contrary as it seems to me, to every probability arising from the language of the deeds, and the history of the law. With regard to the amount of error of the Unitarian doctrines excluding those who preach and profess them, I cannot think that temporal courts can conveniently entertain the question of more or less of theological error. I think that those who framed the deeds endeavoured, and on a true construction successfully endeavoured, to exclude such an enquiry; my opinion being first, that according to the use of the words under consideration in the deeds in question, they are not exclusive of any class of Christian Protestant nonconformists, and that Unitarians are commonly, and always have been considered, as forming a part of the Christian community.

Mr JUSTICE ERSKINE.—I collect from the history of the times immediately preceding the execution of the deed of 1704, in England the body of professing Christians was divided into six classes, namely, members of the Church of England, members of the Church of Rome, Presbyterians, Independents, Baptists, and Unitarians, for most of the Nonconformists, if not all, had at that time joined one or other of the latter classes; and as I find from the articles and creeds of the church of England, from the Catechisms of the Presbyterians, from the public writings of the historians, and the different controversial authors of that day, including

Baxter and others, whose works have been cited as manifesting a more tolerant spirit than unhappily was common in those times, that all those classes of Christians except the Unitarians considered the doctrine of the Trinity as one of the great fundamental and essential doctrines of the gospel; and when I find the same fact admitted by two of the defendants in sermons produced as evidence in the cause; and when I find on the other hand that the denial of the doctrine of the Trinity and of the Atonement formed the distinguishing feature of the Unitarians' faith, and that those who at that time professed it were but few; that they rejected as unscriptural doctrines which all other Christians then held to be essential articles of the Christian faith; and that the name of Unitarian had been assumed to distinguish them from the rest of the Christian world as paying supreme worship to God the Father only; and when I find that at the date of Lady Hewley's deed those who denied the Trinity were by the legislature denounced as guilty of blasphemy; I cannot come to any other conclusion than that Lady Hewley did not intend to include them under the description of 'godly preachers' of Christ's Holy Gospel, and consequently not under the other descriptions in the deeds either of 1704 or 1707, but that the phrase 'preachers of Christ's Holy Gospel' was selected for the purpose of excluding all who preached such doctrinea . . . I have merely used the state of the law at the time, as assisting to show what was the general understanding at that time of the essential doctrines of the gospel, and in what sense therefore Lady Hewley used the words in question. But as it was argued on behalf of the defendants that one phrase used by Lady Hewley in the description of the preachers and their widows had reference to those statutes, and their subsequent repeal, I think it right to remind your lordships of the manner in which those words are introduced; the words I allude to are 'for the time being;' and it was supposed that they had been introduced by Lady Hewley for the purpose of enabling her trustees to extend the field of her bounty as the statutory prohibition might be withdrawn, and 'as if she had said all preachers tolerated by law.' If the words had been 'to all godly preachers of Christ's holy gospel for the time being,' there would have been more plausibility in the argument; but the words are, 'preachers for the time being,' 'widows for the time being,' that is, as I understand them, as I have already said, preachers at the time of their selection as objects of the trust; not men who have been preachers, or who may intend to be preachers, but men at that time preachers, and women still continuing widows of such preachers. As I do not therefore consider that Unitarians were excluded merely by their incapacity at the time to take the benefit of Lady Hewley's trust, so I do not

consider that the removal of their incapacities will bring them within the purview of the deed.

MR JUSTICE COLERIDGE.—The claim of those who are commonly called Unitarians now remains to be considered: for I take it that no one contests the claim of Protestant Trinitarian Dissenters. Now with regard to these I might perhaps content myself with stating that I concur in the opinions which have been now already expressed by one of my learned brothers, that they are not entitled. But as I may arrive at my conclusion by a different course of reasoning it is fit that I should state it shortly. I am by no means prepared to say, that even in a court of law it would not be a just mode of argument to arrive at that conclusion by a theological examination of the words 'godly preachers of Christ's holy gospel;' and if it could be shown, as I have no doubt it could, that the ministers of that persuasion do not in very truth fall within that description, the Judge to whose mind conviction was brought home by that reasoning would be bound to act upon it. But I feel at once the unnecessary painfulness of relying on such an argument, and my own incompetence to conduct such an inquiry with perfect certainty to myself or conviction to others, that every step I took in it was free from error. I resort, therefore, to the safer course of examining in what sense Lady Hewley, as one of a certain class of religionists, must be taken to have used the words in question; what was the meaning of those words in her mouth and the mouths of those of whom she was one. Most ingenious arguments were used to show that they meant those Christians, of whatever faith as to peculiar doctrines, who agreed in rejecting creeds and articles. I look in vain in the evidence in the cause for the slightest support to those arguments. On the contrary, if the evidence of her own acts be looked to, if the acts of her own friends and class be regarded, if history be resorted to, all concur unequivocally in shewing that she and they, so far from being indifferent to the holding to the fundamental articles of our faith, were zealously attached to them, and deemed them as much all-important as the divines of the Established Church. Again if I look to the words of the deeds, and consider them with reference to the history of the times as to the then state of what is commonly called Unitarianism, I see in the former clear indications of an intention to provide for poor and godly members of a body, preachers to congregations, a succession contemplated in a ministry then in being and known, education provided for those who were to come into it; but history discloses that none of these circumstances were then applicable to this sect. I do not think it has been shewn that in her day there was a single avowed minister or congregation of that persuasion; in truth those who held the opinions were not only not tolerated, but as a sect had scarcely attracted sufficient notice

by their numbers to have become as it were objects of special legislative toleration.

MR JUSTICE WILLIAMS.—I beg leave to answer that, understanding as I do the language of the foundation deed, and the belief and doctrine which I collect to be attributed to the Unitarians (though upon this, not being in any degree a legal question, I speak with great uncertainty) I think they are excluded from being objects of the charities of that deed.

MR BARON GURNEY.—We learn equally from the evidence and from history that at that time there did exist as there do now three denominations of Protestant Dissenters, Presbyterian, Independent (or Congregational), and Baptist, that at that time all the three were partakers of one common faith on those great points of doctrine, which theologians have generally considered as fundamental (for the only difference which existed was that of infant baptism) and that those doctrines which were so generally received were irreconcilable with the faith of those now commonly denominated Unitarians. There is no trace in the evidence, neither is there any in history or biography, of any minister or preacher of any congregation of Protestant Dissenters in England who professed a belief in the doctrine of Unitarianism until nearly, if not quite, half a century after the execution of these deeds. In the argument at your lordships' bar the learned counsel took a wide range of theological and historical discussion. It was contended that Lady Hewley, being of the denomination called Presbyterian, she must be considered as averse from subscription to a test because that was the prevalent opinion among Presbyterians at that period. If that was so respecting the denomination of Presbyterians, it is remarkable that it is the only point in which Lady Hewley appears to have differed from them, for by prescribing the use of Bowles's Catechism she manifested her opinion of the propriety of subscription to a test, for it is trifling to imagine that she presented the use of it as an exercise of memory and not a declaration of faith. It was further contended that she never could have intended to have benefitted the members of the sect of Independents by her bounty, because between the Independents and the Presbyterians there had been fierce contentions upon the subject of church government, the Presbyterians having held with government by a presbytery, and the Independents the independence of every separate congregation of which their body was composed. The learned counsel who used the argument did not, I think, advert very correctly to the history of the times. Between the time of those differences and the execution of these deeds half a century had elapsed, which teemed with important events. The contentions upon the subject of church government, which divided the Presbyterians and

Independents, and inflamed them against each other, existed during the latter part of the reign of Charles the First ; and during the time of the Commonwealth, each was then struggling for ascendancy. After the passing of the Act of Uniformity, when the Presbyterians had failed in obtaining a comprehension with the Church of England, and when all Protestant Dissenters had failed in obtaining toleration, they were all made subject to the same severe laws ; they became all sufferers in the same cause, many of them were fellow prisoners in the same gaol, they learned to know each other better, and to love each other more ; they learned to think less of the points of difference, and more of the points of agreement. When the revolution had been accomplished, and the Toleration Act passed, they received one and the same protection on condition of subscribing the thirty-nine articles of the Church of England, with the exception of those which related to church discipline and infant baptism ; and from that time there is not a trace of those differences upon church government which had divided them so widely in the times to which I have adverted. The Presbyterians indeed, though they retained the name of Presbyterians, became substantially Independents. They did not subject themselves to the rule of any presbytery (as the Presbyterians of Scotland, with whom they had at one time united themselves, still do) ; their congregations became, and were, and remain each independent of every other ; and to this day this is the case with all congregations of Protestant Dissenters. At the time of the execution of these deeds the three denominations of Protestant Dissenters were united, as I have said before, in one common faith ; and this was, so far as the doctrines in question were concerned, the same as the Church of England. I am of opinion that Unitarians are excluded (not on account of any opinion of my own respecting the soundness or unsoundness of their belief and doctrine, for I utterly disclaim founding my judgment on any such basis), but on account of the state of the law at the time this charity was founded. [He then referred to the Toleration Act and the Blasphemy Act]. There is nothing in the deeds which gives the least countenance to the supposition that Lady Hewley intended to give to persons who could not legally receive. Preachers of Unitarian belief and doctrine, if there had been any such at the time, (which there were not) would not have been tolerated, and could not in my opinion have been the objects of Lady Hewley's bounty. The objects of her bounty I conceive to be such Protestant Dissenting preachers as were at that time within the protection of the Toleration Act. It would be most extravagant to suppose that Lady Hewley, by her description of 'godly preachers of Christ's holy gospel,' meant to describe persons who were considered by the law at that time as guilty of blasphemy. The rules and regulations established by Lady Hewley



require that the almspeople shall be able to repeat by heart (which I understand to mean repeat believingly) the Lord's Prayer, the Commandments, the Creed, and Bowles's Catechism. Bowles's Catechism is inconsistent with the belief and doctrine of the Unitarians.

Mr BARON PARKE.—Is the charity to be confined to those persons who should from time to time belong to the class who in 1704 answered the description of poor and godly preachers of Christ's Holy Gospel, or is it to be extended to all such then or at any future time answering the description of godly preachers of the gospel; and if the former be the true construction, who are the Protestant dissenters that in 1704 were designated by the deed as godly preachers of Christ's Holy Gospel? Did that description comprise all not within the pale of the church, who being Protestants, and pious and poor, preached the gospel of Jesus Christ as containing the revealed will of God, and the rule of doctrine and practice, expounding it according to their own opinions; or is it to be confined to one class only of those, or extended to all, with the exception of a particular class? It is in this part of the case I have felt and still feel much doubt; but I incline to think that the former is the true construction, and that it is more reasonable to hold that the founder had the then state of religious opinions in her view, and did not contemplate any change, and meant therefore to bestow her bounty on all that should from time to time belong to the class which was then designated as 'godly preachers of Christ's holy gospel,' or such as should be from time to time poor and godly preachers of what was then understood by the term of 'Christ's holy gospel.' And if we so read the words of the instrument, I can have very little difficulty in saying that those who impugned the doctrine of the Holy Trinity did not at the date of the deed answer this description, as it was then generally understood in the Christian world; and I need no better evidence of that fact than the recital in the statute 9 and 10, Wm. 3, c. 32, passed in the year 1698, which states such opinions to be blasphemous, and impious, and contrary to the doctrines and principles of the Christian religion, and greatly tending to the dishonour of Almighty God. Proceeding then on this ground, that the words of the deed, as we may presume they were then generally understood, did not comprise those who impugned the doctrine of the Holy Trinity, not because they were not then tolerated by the law, I concur in the opinion already expressed on this question by the majority of my brethren, and think that the charity is to be confined to Protestant Trinitarian dissenters. If the words of the deed had been those (to which it was contended in the arguments, used at your lordships' bar, that they were equivalent) namely such Protestant dissenting ministers as from time to time the trustees should select, then I should have had little doubt but that the trustees might have selected any of

that persuasion whom the law tolerated ; the only obstacle to the power of selection from the whole body of such ministers having been at the date of the deed the prohibition of the law, and as the obstacle was from time to time removed, the power of the trustees would have been extended ; and on that supposition ministers of Unitarian principles would now have been eligible, since the act of the 53 Geo. 3 has repealed all penalties against them ; and I think that the mere preaching of Unitarian doctrines was not prohibited by the common law ; but I do not, for the reasons I have before given, interpret the expression ' poor and godly preachers of Christ's Holy Gospel ' to mean simply Protestant dissenting ministers.

LORD CHIEF JUSTICE TINDAL.—First taking the deed of 1704 by itself, I think the objects of it are limited to the ministers and others of the several bodies of Protestant Dissenters from the Established Church, which were generally known, established, and tolerated at the time the deed took effect ; and I am unable to find any proof from any authentic source, that the Unitarians did form in fact at that time a body or class of Protestant Dissenters known and established in the kingdom. On the contrary, so far as can be inferred from the evidence produced, or any other evidence of an historical nature, the Unitarians as a body of persons of known religious tenets in England were unknown until a period much later than the execution of either of the deeds in question ; but further, so far were the persons who preached Unitarian doctrines from forming a religious body then known and acknowledged in the kingdom, that at the time of the execution of these very deeds, such persons could not avail themselves of the benefit of the Toleration Act : W. & M. c. 18, on the ground of their being persons who denied the doctrine of the Trinity, and under the statute 9 and 10, William 3, c. 32, were at that time liable to certain penalties and disabilities if, by writing or teaching, they denied the doctrine of the Trinity. When, therefore, in the deed of 1704, provision is made for the godly preachers of Christ's holy gospel, I think the answer to your lordships' fourth question must be in the affirmative ; first, because there were existing at the time certain bodies of Protestant Dissenters well known and ascertained who preached doctrines which had been generally understood and believed in all ages of the church, and were also generally acknowledged at the time of the execution of the deed of 1704, to be the holy gospel of Christ, of which bodies the Unitarians did not at that time constitute one ; and as the deed was so framed that the trusts were to take immediate effect and operation, it must be held to apply to the preachers and others of such bodies only which did then actually exist and at that time answer the description in the deed. And secondly, because the deed describes the persons who are to take to be the preachers of the holy gospel of

Christ, and it is undeniable that at the time of the execution of this deed both the Church of England as by law established, and all the known classes or bodies into which Protestant Dissenters were divided held the doctrine of the Trinity to be a fundamental part of their faith, that is, of the holy Gospel of Christ; and that at the time of the execution of that deed the legislature also considered the belief in the doctrine of the Trinity as essential to the description of a preacher of Christ's holy gospel, punishing those who preached doctrines which denied it.

If the persons who believe and preach Unitarian doctrines are excluded from the benefit of the deed of 1704, I think they are more clearly and unequivocally excluded by the deed of 1707; for by the rules and orders given by Lady Hewley for the regulation of the poor persons to be placed in the almshouse, (which rules being made by Lady Hewley under a power reserved by her in the deed itself and therein expressly referred to, may, beyond doubt, be called in aid in the interpretation of the meaning of that deed,) it is directed that every almsbody is require to be one who can repeat by heart the Lord's Prayer, the Creed, and Ten Commandments, and Mr Edward Bowles's Catechism: which regulations appear to my mind to prove beyond any doubt that the foundress intended the inmates of the hospital, and the other objects of her charity under that deed, to be persons who believed in the doctrine of the holy Trinity. And referring myself to the evidence given in this cause of the Unitarian belief and doctrine as to the divinity of Christ, I cannot understand that any person professing those doctrines could honestly or conscientiously repeat by heart, that is, express his belief, in the doctrines contained in the Catechism of Mr Edward Bowles. And if it had been necessary to determine the intentions of Lady Hewley as to the doctrinal belief of the inmates of her hospital without reference to the Catechism of Bowles, it must not be forgotten that upon the authority of two eminent persons well known at the time in question, I mean Dr. Barrow and Mr Baxter, the doctrine of the divinity of Christ was held to be sufficiently acknowledged as a matter of belief by those who received the Apostles' Creed alone. See Barrow's Treatise on the Creed under the clause 'His only Son,' and Baxter in his Treatise, Directions for Weak Christians, part ii, section 53, 1. And the weight of the observation for the present purpose consists, not so much in the consideration of the truth of the conclusion at which Barrow and Baxter have arrived, as in the proof it affords of the fact, that by all bodies of Christians by whom the apostles' creed was received, that is, in England by the members of the Established Church and of all the Dissenting communities then known, the doctrine of the holy Trinity was also received and believed, and it is by the current acknowledged use of

language at that day that this deed is to be construed. In the latter deed, therefore, I think Lady Hewley expresses her clear and undoubted intention that no Protestant Dissenter who denies the divinity of Christ, that is, no Unitarian, should partake of her bounty.

The sixth question was, "Whether such ministers, preachers, widows, and persons, are, in the present state of the law, incapable of partaking of such charities, or any and which of them."

The meaning of this question was, whether Lord Eldon's notion that it was an offence at common law to preach, however devoutly and honestly, against the doctrine of the Trinity, was correct or not; and all the Judges held that there was not any authority for it.

JUSTICE COLERIDGE.—It would be difficult to draw a line in such matters according to perfect orthodoxy, or to define how far we might depart from it in believing or teaching without offending the law. The only safe, and as it seems to me practical rule, is that which I have pointed at, and which depends on the sobriety and reverence and seriousness with which the teaching or believing, however erroneous, are maintained.

Judgment was given on the 5th August, 1842, by which time Lord Lyndhurst was for the last time Chancellor. Lord Wynford seems to have become incapacitated from attending the House, and Lord Campbell had compelled the grant of his peerage. Lord Lyndhurst, as it was his decree that was appealed from, and he had not presided during the hearing, gave no further opinion than that, on proposing the adjournment to afford time for the consideration of the Judges' answers, he styled them "very elaborate arguments." Lord Cottenham moved the judgment in the following words:

My lords, the opinions which have been delivered by the learned judges have so far exhausted the case in all the most material parts of it that I do not deem it necessary to enter at large into the very interesting and important matters which were discussed at the bar.

The principal object of the suit was to have it declared that ministers or preachers of what is commonly called Unitarian belief and doctrine, and their widows and members of their congregations, or persons of what is commonly called Unitarian belief and doctrine, are not fit objects of the charity. The decree appealed from established the affirmative of that proposition, and of the seven judges who attended the hearing at the bar of this house, six concurred in it. I cannot suppose that your lordships will think that there is ground for differing from this

opinion ; and if that should be your lordships' feeling upon it, the result will necessarily be an affirmance of the decree. I cannot however omit to make some observations as to the media through which this conclusion has been arrived at by the different authorities by whom the subject has been considered.

Your lordships will have observed that in the discussion in the Court of Chancery a very large range of evidence was admitted, with a view of coming to a decision as to what was the intention of Lady Hewley, which could after all only be judged of by the language and terms used in the deeds. In what respect and for what purposes this evidence was properly received was the subject of one of the questions put to the learned judges, and has been the subject of some difference in their opinions. It does not appear to me necessary to consider minutely those differences, because I conceive that keeping strictly within those rules which all the opinions recognised, there is sufficient upon the view taken by the great majority of the judges, to support the conclusion to which they have come upon the main point in the case.

It was very clearly and shortly laid down by Mr Baron Gurney, that that part of the evidence which goes to shew the existence of a religious party by which the phraseology found in the deeds was used, and the manner in which it was used, and that Lady Hewley was a member of that party, is admissible ; that being in effect no more than receiving evidence of the circumstances by which the author of the instrument was surrounded at that time.

Much evidence, indeed, appears to have been received which, if of a nature to be received, might fall under the same rule, but which was objectionable upon other grounds, such as the opinions of living witnesses. But rejecting all such evidence, enough appears to me to remain unobjectionable in itself and properly received for the above purpose, to support the conclusion to which a great majority of the learned judges have come.

I have thought it right to make these observations upon this matter of evidence, as otherwise the affirmance of the decree might seem to sanction the receiving all the evidence received below, which might tend to introduce much doubt and confusion in other cases.

It may be thought that this opportunity should be taken of specifying what description of persons are hereafter to be considered as proper objects of the charity. I think that any attempt to do this would be dangerous, and would be more likely to promote than to prevent further litigation, as it is impossible a priori to foresee the consequences of any such declaration, or to have sufficient information as to the various interests upon which it may operate and which are not represented in this suit, what has passed in this cause, and the valuable opinions which

the judges have delivered will, it may be hoped, afford such light to the trustees as to enable them satisfactorily to administer the funds for the future.

It was made part of the complaint on this appeal that some of the trustees had been removed as to whom it had not been proved that they entertained opinions inconsistent with the declared purposes of the trust. I do not consider the removal of any of the trustees as implying any reflection upon their moral conduct. But as by the decision of the court it was found that the application of the funds for the time past had not been consistent with what appeared to the court to be the real object of the charity, and as a larger discretion must necessarily be left to the trustees for the future, I think that as a matter of discretion it was right to select others for the future management of the funds, and if that was right in 1833 it certainly would be indiscreet to adopt a different course in 1842. I cannot therefore think that it will be right to alter this part of the decree. I propose, therefore, to your lordships to dismiss this appeal, and I see no ground for departing from the usual course of giving to the respondents the costs.

LORD BROUGHAM.—I agree with my noble and learned friend that your lordships ought to dismiss this appeal, and as usual, unless under very special circumstances, none of which exist in this case, with costs. [The sentence quoted at p. 302 then followed.] The opinions of the judges undoubtedly have been of very great use to your lordships in the examination of this somewhat difficult question, and I agree with my noble and learned friend that it is advisable for your lordships to come to the decision to which the opinion of a great majority, six out of seven, of these learned persons would naturally lead. I am also of opinion that it must be considered that in giving this affirmance to the decree, your lordships do it under the qualification which has been stated by my noble and learned friend, with respect to the reception of evidence.

Lord Campbell having argued the case at the bar of the Lords abstained from taking part in the judgment.

Mr Gurney's notes of the argument were published by the defendants' party in a separate volume shortly after it took place. The judgments in the courts below, and a condensed statement of the hearing in the House of Lords, will be found in the ninth volume of Messrs. Clark and Finelly's Reports. Extracts only are given above from the Judges' answers, for they occupy seventy-nine pages.

As the opinions of the Judges were referred to as guiding the judgment, and those opinions were in many respects contradictory, it would have been much more satisfactory if the law lords

had stated their own views of each class of evidence. Lord Eldon, though he might in the end have come to a conclusion not more specific, would have scorned to let the case come before him without dealing himself with every portion of it. It must however be remembered that each of the three who spoke in judgment on it, (Chancellor and Ex-Chancellors), had, in the one or other case already stated, allowed evidence included in the objection to be referred to and commented upon before him in the Court of Chancery, and there would have been some awkwardness in their deferring to the views of puisne Judges; besides the diversity of opinions behind the Woolsack might have been reproduced at the table, which would not have been edifying. The lords, however, since their house has assumed the power of hearing appeals from Courts of Equity, should decide every question arising before them and calling for decision, and not give it the importance of a matter which they have avoided grappling with. A reader, knowing the part afterwards taken by the Lords who gave the decision now the subject of comment, can scarcely avoid surmising that they purposely left future relators in doubt as to the evidence with which to support their claims.

The judgment seems to be to the effect that the opinions to be supported by a charity, settled by an instrument containing a general trust for religion, must be those of the founder's denomination; and that therefore Trinitarians only were entitled to such religious charities of the English Presbyterians. It was not attempted by any of the Judges at all to impugn the rule that the founder's expressed intention must direct the application of a charitable fund. An English court of justice could not decree the application of such property to any purpose confessedly opposed to the language of the grant. Such a diversion of it is in England effected by our legislators only, and is by them attempted only in revolutionary times, or when the parties to be affected are known to be supine and without organization. But it was decided that a founder's intention is to be ascertained solely by a judicial interpretation of his language in the instrument of foundation; and that evidence can be admitted only to shew the sense in which the expressions found there were used by persons of his communion at the time. It may seem superfluous to say that his meaning would be best ascertained from his writings or his actions bearing on the subject in question, if any of the former were in existence, or any of the latter were capable of proof. His spoken

words would not be received in evidence, for even if they were uttered with sufficient care and consideration, they might be misunderstood, or intentionally or unintentionally misreported; and it would be easy to invent expressions for him, and very difficult to disprove their authenticity. No such risk attends writings, or evidence of acts. It is true, acts are proved by parol evidence, but so are almost all other facts. The only objection that could be raised against receiving such proofs would be the possibility of a subsequent change of opinion, but a founder's notions on religion may well be considered settled and abiding if no variation in them has been recorded either by himself, by any one gratified by it, or by any one offended by it. A will expressing any religious sentiment may well be taken to indicate the views and feelings with which a testator went down to his grave, unless it is evidently only made in the common form with which the lawyer of a by-gone age who prepared it thought it seemly to commence a man's last dealing with worldly matters.

A founder's actions, which were declared admissible in evidence, show his opinions inferentially only. His written expression of them must be the best comment on the language of his gift, if it needs any. The reason of the Judges for excluding such an aid to its interpretation was that it is a settled rule that documents by which the ownerships of individuals are created are always construed without reference to external evidence, except in two or three cases avowedly exceptional. This is found necessary in order that a man may have a reasonable certainty that he has a good title to the land which he has purchased, and that his own dispositions of it will be carried into effect; because if deeds or wills could be affected by evidence of the grantor's or testator's intention, they would not have any meaning which could be relied on, and the business of society and the peace of families would never be safe. This is no reason for extending the rule to deeds creating charities, where there is not the same inducement to fraud, because there is no beneficial property, and where there is no change of ownership requiring a deduction of title. The Judges assumed that the rule applies to charitable settlements, but they did not refer to any case where it was so held. In fact such questions could not arise in their courts, and they might have declined to answer several of the questions propounded to them, as was indeed hinted by



one of them. It would never have been attempted to ask them on an appeal under the second information, of which an account will be found in a subsequent page, whether the Kirkmen, the Seceders, or the Independents were all, or any of them, entitled to the benefit of the charity, for it would have been seen that they would have declined to answer on the ground that such questions were decided only by the doctrines of Equity. According to the opinions of the majority of the Judges, Lady Hewley's deed of 1707, in which she requires in the almswomen the knowledge of Mr Bowles's Catechism and the "Apostles' Creed," (that is, the profession of Trinitarian principles), could not be referred to in construing the indefinite trust in the deed of 1704, though the later deed recited the earlier one, and was supplementary to it. Had Lady Hewley published a religious book according to the same opinions, it could not have been consulted as a means of ascertaining her sentiments. This surely is a *reductio ad absurdum*. According to Justices Erskine and Maule a charitable settlement by a member of a body appropriating common words as party names, (as "Catholic" by the Latin Church, "Orthodox" by the Greek Church, "Friends" by Quakers,) must not be interpreted in their sense. So that a person of those opinions cannot create a valid disposition of property for the support of his views, in the language of his body. It is one of the leading defects of English law to make its rules apply to cases to which the reason of them does not extend, and thus to make the means of more importance than the end to be obtained by them, and to sacrifice justice to the technicalities invented to secure it. It is not calculated to give unlearned persons confidence in the rules by which English law decides on the construction of charitable foundations, that Lady Hewley's reference in her will to the atonement made by Christ was not received to show that her views of Christ's gospel accorded with those of Christendom generally, and to save her property from being applied in supporting the notion that there are no essential and distinctive truths in Christianity. It is to be observed however that Lords Brougham and Lyndhurst and the four most able judges who assisted them, allowed it (as well as the commencements of the wills both of Sir John Hewley and Dr. Colton) to be urged upon their consideration. Lord Lyndhurst and Mr Baron Alderson both expressly refer to it, and the latter, it should be remembered, had great experience as an equity judge, as he had for many years immediately previous

undertaken all the business of that side of the Exchequer. Equity judges only could deal with the question, and they know how often they must exercise a large discretion in carrying out a founder's intention, *cy pres*, as the phrase is, that is as near as circumstances permit, and that a trustworthy evidence of his opinions would be a great help and comfort to them in such a case. Since a founder's intention, even when it is only to be guessed, is recognised as governing the gift, it would be a reproach to English law if a written statement by himself of his views should be disregarded in the interpretation of an indefinite trust; seeing an enquiry is permitted into the views of his denomination, which do not bear upon the point except as they were held by him. It seems hypocritical to profess anxiety to carry out his wishes, and admit evidence respecting them, yet purposely to reject the only means of obtaining certainty on the subject. Besides, the common sense and morality of the community are shocked when a religious endowment is perverted to the support of doctrines opposite to those of the founder; and there should be no rules of our courts setting them at defiance. The Popish endowments of old time are not in point, they were mere purchases of heaven, and did not shew the deliberate preference of one system for another.

The practical effect however of this exclusion of evidence as to founders' intentions is perhaps not important in common cases, for it may be taken that a man's opinions agree with his party, when he does not think it necessary to specify the doctrines which he designs his property to support. And the decision may be advantageous, since it is easier to ascertain in all points the faith of a denomination than that of any particular man; and also since no denomination is so strict as not to allow a greater latitude that would be in exact harmony with the personal opinions of any one member of it, however latitudinarian his principles. The result, apart from the means by which it was arrived at, may even be satisfactory to many if not most people, as very few like to see any peculiar views, except their own, perpetuated by endowments.

The decision, whatever remarks it may be open to, settled the general question, for it was conclusive as to all Presbyterian foundations, up to 1707, by which time, as we have seen, the majority of the old meeting-houses had been built; and with our knowledge of the haste of the law lords to stop its operation, it

may safely be said that there can be no doubt of its being warranted by law.

Before passing from this great case, all the eminent men who took part in it, as judges or counsel, should be recounted, if only for the pleasure of dwelling on eminent names.

The counsel for the relators were, before Sir Lancelot Shadwell Sir E. B. Sugden, afterwards Lord Chancellor and Lord St. Leonards, Mr Knight now Lord Justice Knight Bruce, and Mr Cuthbert Romilly, who soon afterwards died; before Lord Brougham, Sir E. B. Sugden, Mr Knight, Mr Kindersley now Vice-Chancellor, and Mr John Romilly now Lord Romilly\* and Master of the Rolls: before Lord Lyndhurst the same as in the House of Lords.

The counsel for the defendants were, before the Vice-Chancellor, For the Grand Trustees, Mr Pepys, afterwards Master of the Rolls, Lord Chancellor, and Earl of Cottenham, Mr Rolfe, now Lord Cranworth, and for the second time Lord Chancellor, after being Baron of the Exchequer, Vice-Chancellor, and Lord Justice of Appeal, and Mr James Booth, who is stated to have obtained office successively in the House of Lords and under the Board of Trade, and if so has retired while this volume is passing through the press; For the sub-trustees, Sir Charles Wetherell, formerly Attorney-General, and Mr Duckworth, afterwards Master in Chancery: Before Lord Brougham the same, with the addition of Mr C. P. Cooper: And before Lord Lyndhurst the same as before the Vice-Chancellor. Sir John Campbell was brought into the case in the House of Lords.

In 1843, on petitions in this suit as to the appointment of trustees the counsel were, For the relators, Mr Bethell since Lord Westbury, Mr Anderdon, and Mr Romilly; for the Attorney-General, who separated himself from the relators, Mr Twiss and Mr Wray; For the kirkmen, Mr Swanston and Mr Malins; For the seceders, Sir Charles Wetherell and Mr Lloyd. All these gentlemen were then or afterwards Queen's counsel.

The lists of Judges, and of counsel connected with this case most strikingly illustrate the rapid succession of the English bar to distinction and place, by merit, accident, and favour. "The race is not to the swift, nor the battle to the strong . . . nor yet favour

\* All those who recollect the veneration felt for Sir Samuel Romilly will rejoice that the name is now found in the English peerage. He was the real reformer of the law, and his presence was a check alike upon courts and parliament.

to men of skill, but time and chance happeneth to them all," also "man being in honour abideth not." Of the men whose names are contained in those lists are nine peers and seven Lord Chancellors, (one three times in office and two others twice); of these two were previously Chancellors of Ireland, and three had sat in Common Law Courts, two as Chiefs; one passed to the Woolsack from private practice, and four had not served the office of Attorney-General; two had been, apart from their profession, foremost among statesmen, one having led the opposition, and the other the House of Lords. Two Lords Justices of Appeal, three Masters of the Rolls, three Vice-Chancellors, and a Master in Chancery, are found in this catalogue of legal worthies. Of the Common Law Judges, one received a peerage when a retired puisne Judge; Chief Justice Tindal was considered the model Judge of his time; Justices Littledale, Patteson, Coleridge, and Maule, and Barons Parke and Alderson, were all members of Sergeants' Inn together, and it never witnessed such a body of coeval puisne Judges; each of them being much superior as a Judge to men whom he saw Chief Justices and peers.

Barons Alderson and Gurney, and Justices Coleridge and Erskine, were all distinguished amongst their brethren as religious men, though each with a different leaning, and all of them could enter thoroughly into the ecclesiastical questions raised in the cause. Mr Justice Maule, to whom negative opinions in theology were attributed by common report (no doubt unjustly) expressed himself most pertinently on the religious questions, and his definition of a godly man cannot easily be mended. Such was the array of intellect which argued and decided the case of Lady Hewley's charity.

Other ennobled names are connected with it, for Sir James Scarlett afterwards Lord Abinger, on the advice of Mr Pemberton now Lord Kingsdown, refused to file an information really ex-officio, while Sir Thomas Denman afterwards Lord Denman granted the use of his name to the relators. Lord Wynford, as we have seen, attended the hearing in the Lords.\*

The Irish cases come now under consideration, and require a preliminary statement.

\* It is not without interest to notice that of these great men Copley, Wetherell Campbell, Romilly, and Bethell, were successively Solicitors-General and Attorneys-General; Scarlett and Denman were Attorneys-General without having been Solicitors-General, and Tindal, Sugden, Peppys, and Rolfe were Solicitors-General and were never Attorneys-General.

Presbyterianism in Dublin and the South of Ireland, as it existed before 1829, was confined to a few congregations, and resulted from the settlement there of English Presbyterians and Independents in the times of the civil war and the Commonwealth. Of the Protestant ministers supported in 1665 by Henry Cromwell, out of the church funds, the generality were congregationalists, though there were some Presbyterians and Baptists, the former Bishops of Raphoe (£160,) and Down and Kilmore (£120 each.) The Dublin Presbyterian and Congregational ministers then formed an English Association. The English army in Ireland were so zealous for religion that they raised among themselves money to purchase Archbishop Usher's library for a second college in Dublin, though being formally given to Trinity College, by Charles the Second (who could not for shame do anything else with it), the king has the credit of the gift, and the college has not thought fit to commemorate the unexampled purchase of the army. The settlers, during the civil war, however numerous they were, for the most part married Irishwomen, and their descendants melted down into the native Papist mass. The Presbyterian chapels in Dublin have been five: New Row now Eustace Street, Wood Street and Cook Street now united in Strand Street, Plunket Street now Usher's Quay, and Capel Street now Mary's Abbey. New Row was at one time called a congregational place. Its ministers Dr. Winter, Samuel Mather, and Nathaniel Mather were congregationalists, and so was Nathaniel Weld, although they never formed a church, but followed the ways of the English Presbyterians. Dr. Thomas Harrison, minister of Cook Street during the Protectorate, was an Independent, and part of the communion plate of Strand Street was his gift. The ministers of all five congregations formed for some time a "presbytery," which was really an association. In 1773 the Eustace Street and Strand Street ministers having become Arian, formed the Southern Presbytery of Dublin, which in 1809, merged in the Synod of Munster, which, with more propriety in reference to its strength and organization, had previously also been called the Southern presbytery or Association. These congregations had always been non-subscribing, no doubt through the remains of the congregational spirit.\* The Usher's Quay and Mary's Abbey congrega-

\* See the Rev. Dr. Urwick's address "Independency in Dublin in the Olden Time," delivered to the Irish Congregational Union in 1862, as to several matters above stated.

tions joined the synod of Ulster, and soon after its formation, until 1702, they were attached to the Presbytery of Belfast, in 1726, they were formed into its Dublin presbytery. The ministers of all five congregations also formed what was called a Presbytery, but was really an English association of ministers only.

The Southern Presbytery of Dublin and the synod of Munster have been only nominally such, for they have never made any pretence of Presbyterian discipline. The same remark applies to the two bodies, the rise of which will shortly be mentioned, the Presbytery of Antrim and the Remonstrant Synod of Ulster. They seem never to have attempted to exercise any control over either ministers or congregations. They kept up some Presbyterian forms, but that was all. Their presbyteries were not real church courts, but only meetings of ministers; they appear never to have refused a license to preach to any man of character educated for the ministry, on account of any doctrines held or not held by him, and they ordained any licentiate who was chosen by a congregation. And indeed the same may be said of many of the presbyteries of the synod of Ulster prior to 1827. Since that date the latter body seems to have become really a church, putting in force, at least as against the ministers, a written standard of faith. Previously even the General Synod had little more than the form of the Scottish system; English Presbyterians after the Revolution had not even that. Dr. Reid in his history states that the Dublin congregations of the Dublin Presbytery were really Independents, and Dr. Robert Stewart, of Broughshane, in his evidence in the Killinchey case, says the same of the state of things in the Presbytery of Antrim and the Remonstrant Synod. But it is not to be understood that in any congregation in these bodies there was, in the sense of the word among Independents, a church. In each of them the choice of the minister was with the congregation, that is with the contributors to the stipend.

All the churches were Trinitarian in the outset. Mr Emlyn's prosecution for Arianism already mentioned had the approbation of the whole body of the Presbyterians of Ireland, and he was expelled by the congregation of Wood Street, or rather by all the other ministers of the five chapels.

The Irish Toleration Act did not pass until 1719, and down to that time the Presbyterians were scarcely ever free from persecution by one or other of the Bishops of the State Church.

This will account for latitudinarianism appearing earlier in the Irish Presbyterians than among those bearing the name in England; as it was not to be expected that an illegal synod could act with vigour against any of its supporters.

The Presbyterianism of Ulster was derived from Scotland; it originated with the colony planted by James the First of England, and partook of the hybrid nature of the Scottish establishment of that time, so that it was a lax episcopalianism comprising Presbyterian ministers; but it may be taken that all the ministers who then came from Scotland had subscribed there the thirty-nine articles of the English church. By the time of the civil war Strafford and Laud's other friends had driven most of them away, after changing the articles and canons of the Irish establishment in opposition to Usher and Bedell; so the real founders of the Presbyterian polity in Ireland were the chaplains of General Robert Monroe's Scotch army, sent by the Scottish Parliament to assist in putting down Sir Phelim O'Neal's rebellion. All these had subscribed the Scottish confession. The restoration brought persecution upon them, but they multiplied under it. The general synod was interrupted after 1661; but two days after the battle of the Boyne a number of ministers met in Belfast to resuscitate it, and it resumed its sessions at that town in September, 1690, and they have not since been intermitted.

The suppression of the Irish rebellion having taken place after Cromwell's ascendancy had been established, it is not to be wondered that the Westminster confession was not adopted by the Irish Presbyterians up to the time of the suspension of the Synod on the restoration of the kingly power, but in 1698 the synod of Ulster, at its meeting in Antrim, resolved:

'That young men licensed to preach be obliged to subscribe our confession of faith in all the articles thereof as the confession of their faith,' [and beyond all doubt it was the Westminster confession which was intended by this resolution.]

In 1705, at a meeting at Antrim, it was unanimously determined, 'That such as are to be licensed to preach the gospel, subscribe the Westminster confession of faith to be the expression of their faith, and promise to adhere to the doctrine, worship, discipline, and government of the church. As also those who are licensed and have not subscribed, be obliged to subscribe before their being ordained among us.'

In 1705 the Belfast Society was formed by the Rev. John Aber-

nethy of Antrim, and consisted at first of a few ministers of the neighbourhood who held monthly meetings at Belfast, when each member preached in his turn, and chapters of the Bible, previously fixed on, were read in the original languages and discussed, and criticisms on new books or original dissertations were delivered. The topics of the sermons were generally the nature of the church, scriptural terms of communion, and the right of private judgment. The opinions expressed all tended to undervalue positive doctrines, and were particularly directed to bring into doubt the lawfulness of human standards of doctrine, and still more the right of requiring subscription to them.

The life of Mr Abernethy states that the society derived their opinions from Bishop Hoadley's sermon on the Kingdom of Christ, and writings published on his side during the controversy which it kindled. This shows that they did not appeal to the principles of Presbyterianism, or any authorities of the past generation, but considered and represented their views as new, at least in their own denomination.

The society steadily attracted to itself the youngest and ablest ministers of the district, and that to so great an extent and so rapidly that their influence began to tell upon the synod in 1709, and by 1716 not fewer than five of the six last moderators had been members of the society.

The Irish Toleration Act was passed without the insertion in it of any clause requiring subscription, though those who spoke against the Trinity were left subject to punishment. The Dublin ministers and the Belfast society no doubt exerted themselves to obtain it in this form, but a large party among their brethren had at first scruples as to accepting toleration under any statute which did not require from those taking advantage of it subscription to the Westminster confession.\*

\* At a General Synod, met in Belfast, June 19, 1716, the following matters are recorded :

"And finding that a general meeting of ministers and gentlemen, held at Antrim, Nov. 10, 1714, had made some considerable progress in that matter, we agree, that the resolutions of said meeting be now reviewed ; and accordingly the first of these resolutions, which concern the terms of a Toleration, was read, which is in these words, viz. : ' Resolved : That the first thing we shall propose and insist upon, as the terms on which we will accept of a Toleration, shall be upon our subscribing the Westminster Confession of Faith.'

"This Interlocutory do unanimously approve of, and adhere to, the above resolution.

"The next resolution of said meeting at Antrim, relative to the terms of a Toleration, was read, wherein mention is made of a certain formula therein contained as the



It is not however to be supposed that the laity were so nice as to the terms on which they obtained toleration.

In December in that year (1719) Mr Abernethy preached before the Society a sermon published the next year under the title of "Religious obedience founded on personal persuasion;" and this the first public declaration of the principles of his party was followed by a controversy, and by a struggle for supremacy in the synod. He next published two pamphlets (in 1722 and 1724,) against subscription, one containing a preface, and the other a postscript, both by the three leading Dublin ministers, Boyse, Weld, and Choppin; and the Rev. Samuel Halliday and Dr. James Kirkpatrick, both of Belfast, each contributed one publication on the same side in 1824. An Independent would speak of Halliday's tract as unanswerable; but the Presbyterians think as much, no doubt, of the answer to it; it was the composition of several ministers, but was published in the name of the Rev. Gilbert Kennedy

terms of a Toleration, in case the former terms, viz., subscribing our Confession of Faith, cannot be obtained.

"During our debates upon this subject, adverse questions were proposed; but for enlightening our judgments, and bringing us to desirable unanimity in the decision of said questions, an amendment was moved to be made to the said formula; and it was agreed that the formula, so amended, should be the subject of all our debates upon this head. The said formula, so amended, is as follows:

"THE FORMULA.

"I profess faith in God the Father, and in Jesus Christ, the Eternal Son of God, the true God, and in God the Holy Ghost; and that these three are one God, the same in substance, equal in power and glory. I believe the Holy Scriptures of the Old and New Testament were given by Divine inspiration, and that they are a perfect rule of Christian faith and practice; and, pursuant to this belief, I agree to all the doctrines common to the Protestant Churches at home and abroad, contained in their and our public Confession of Faith."

"It was agreed by us all, unanimously, as preliminary to all the ensuing debate, and as a point not controverted among us, that all the propositions contained in the above formula are divine truths. After much debate the first question that was proposed, was occasioned by a scruple humbly moved by some brethren, namely, that should we first propose (as we have all resolved to do) the Confession of Faith, as the terms of a Toleration, and should we afterwards, upon the legislature's refusing it, accept of, or propose the above formula, or any other terms, as the conditions of a Toleration, that this would be a receding from our Confession of Faith. On the other hand, it was observed by others, that this formula was, in substance, the same with our Confession of Faith, and a compendious abridgment of divers of the most fundamental articles of it; and that the tolerating of us upon our subscription to it would give the public sanction of authority to our standing by, and preaching up to, all our known principles contained in our Confession of Faith; and divers arguments being offered on both sides, it was agreed that, before we should put the vote, it should be proposed—

"That, if the aforesaid scruple did still remain with any brother, he should declare it, in order to his receiving further satisfaction.' Upon which, to our great comfort, some did declare, with thankfulness to God, that their scruple was removed by the clear and convincing reasoning of the brethren; and there remaining one brother

of Tullylish. The only opponent who met the champions of the non-subscribers on anything approaching to equal terms, was the Rev. Charles Masterton, ultimately of Belfast.

The Belfast Society, it is clear, took the lead of their brethren in England in these notions so opposed to their predecessors, but the press seems first employed by them on the occasion of Mr Abernethy's sermon, which appeared in the year after that of the meeting at Salters' Hall. No doubt the Irishmen were much encouraged by that assembly's decision against subscription, as it had the support of nearly all the leading men among the denomination throughout England. Subscription was not generally practised by Irish Nonconformists, but it maintained its ground as far as the legislation of the synod went, and so the question respecting it might arise at any meeting of presbytery, and came home to every man's bosom. No wonder then that the subject was better discussed in Ireland than in England, but it is very much to the credit of the Northern

with whom the said scruple did yet seem to be of weight, after much reasoning for his satisfaction, the following question was put, viz. :

"Whether our accepting a Toleration upon the above formula, as the terms and conditions thereof, be, or can be, rightly construed a relinquishing the Confession of Faith as the confession of our faith?" and it was carried in the negative, with only one dissenting voice.

"The next question that was put was this, viz. : 'Is it lawful to subscribe the above formula if enjoined by lawful authority, as the condition of a Toleration?' and it was carried in the affirmative—nem. contradicente.

"The next question that was proposed was this, viz. : 'After our using all proper endeavours for obtaining a Toleration upon our subscribing the Confession of Faith, and after its appearing that such an attempt is hopeless, shall we ask a Toleration upon the above formula at such a season as shall be agreed upon to be convenient by common consent between ministers and gentlemen in the north, and ministers and gentlemen in the south of Ireland, to meet together for that purpose in a committee to be nominated afterwards, or not?' it was carried in the affirmative—nem. con.

"There being present with us divers worthy gentlemen of good understanding, they were consulted upon these heads, and entirely approved of our resolutions, without one dissenting voice among them.

"There being three questions about the formula voted both in Interlocutory and open Synod, the Synod appoint not only their opinion, but their harmony upon these heads, to be entered in their records.

"From the resolution of the first question about the formula not being a relinquishing of our Confession of Faith, there was but one dissenting vote in the Synod, being the same who dissented in the Interlocutory.

"From the resolution of second question, about the lawfulness of subscribing the formula, there was only one dissenting voice in the Synod.

"From the resolution of the third question, about asking a Toleration upon the formula, there were five dissenting voices, viz., three ministers and two elders; and two voted non liquet, one minister and one elder."

It is frightful to see a body unwilling to accept toleration for itself, except upon terms which might wound the consciences of others.

Irish that, at that dead time of the human intellect, so many able controversialists were called out among them on such a question.

Dr. Calamy, looking at the matter from London, naturally thought that the point was first raised in England. He says, under 1719, "The heats among the Dissenters that first began at Exeter, and flew from thence to London, were unhappily spread this year to our brethren in the North of Ireland. At Belfast there was a conference among the ministers, about expedients to preserve the peace among themselves, which was occasioned by the debates among us at Salters' Hall. It was with this conference at Belfast that those contests in the North of Ireland first began which at last issued in an open rupture. Several of the ministers who were at that time present freely declared against the imposition of any invariable forms of human composure, as tests of orthodoxy. This was represented by many as discovering a formed design of laying aside the Westminster Confession." The conference was the sub-synod of Belfast, held in January 1720.

The Synod at its meeting in Belfast in the same year passed a resolution called the Pacific Act, (a title which speaks volumes as to the magnitude of the controversy), to this effect :

That whereas there has been a surmise of a design to lay aside the Westminster Confession of Faith and our larger and shorter Catechisms, We of this Synod do unanimously declare that none of us have or had such a design, but on the contrary as we still adhere to the said confession and catechisms, so we do earnestly recommend to all under our care, to have in their custody and carefully peruse them, and train up their children in the knowledge of them, and if any have spoken disrespectfully or tending to disparage them, we strictly forbid any such thing to be done for the future, and that our people should be assured of this, as the unanimous judgment of this Synod, for removing all jealousies they have had of any person on that account ; and we heartily recommend and enjoin the said confession (as being a very good abridgment of the Christian doctrines contained in the sacred Scriptures) to be observed according to an Act of the General Synod in the year 1705, which act is as follows, [as set out above], which was voted and unanimously approved, which is thus to be understood as now is practised by the Presbyteries, that if any person called upon to subscribe shall scruple any phrase or phrases in the confession, he shall have leave to use his own expressions, which the presbytery shall accept of, providing they judge such a person sound in the faith, and that such expressions are consistent with the substance of the doctrine, and that such explanations shall be inserted in the presbytery books, and that this be a rule not only in

relation to candidates licensed by ourselves, but all intrants into the ministry among us, though they have been licensed or ordained elsewhere.

The following overture from the Committee of Overtures was read in open Synod and unanimously approved, This Synod appoints the ministers who are members of this Synod to preach Catholic doctrine, insisting on the great and fundamental truths of Christianity according to the Westminster Confession of Faith and Catechisms, founded on the Holy Scriptures, such as the being and providence of God, and the divine authority of the Holy Scriptures, the necessary doctrine of the ever blessed Trinity in the unity of the Godhead, particularly the Eternal Deity of our Lord Jesus Christ, as being of the same substance with the Father, and equal in power and glory, and of the satisfaction made to Divine Justice, who is only our propitiation, of regeneration by efficacious grace, of free justification by the righteousness of our Lord Jesus Christ, received by faith alone, of Original Sin, of the morality of the Sabbath, the necessity of a holy life; in order to the obtaining everlasting salvation, and such like important doctrines.

Dr. Calamy's account of this meeting is: "Before the Presbyterian Synod met at Belfast this year (1720,) reports were industriously spread about those parts that some ministers were embracing new schemes both of doctrine and church government, and that they had formed a design to alter or lay aside the Westminster Confession of Faith. When the Synod met it was found that those reports were all groundless. A former rule obliging such as were entering into the ministry to subscribe the said confession was revived, with an allowance that if they scrupled any phrase or phrases in it, they might use expressions of their own instead of them which the Presbytery should accept, if they found them sound in the faith, and that their explanations were agreeable to the substance of the doctrine. This determination (called the Pacific Act) was differently understood, and from hence arose new jealousies and danger of a yet greater division than before."

The strength of the parties fluctuated from time to time very considerably. In 1720 Mr Halliday was allowed to take his seat in the Synod without subscribing the confession.

At a meeting of the Synod at Belfast in 1721, it was resolved, Whereas several aspersions have been cast upon the Protestant Dissenters of our communion in this kingdom, as if they had made defection from the common received doctrine concerning the essential

Deity of the Son of God, (by denying his essential divine perfections, particularly his necessary existence, absolute eternity, and independence), which doctrine has been always regarded by this Synod as an essential article of the Christian faith, and which this Synod still adheres to as such, we therefore unanimously declare that the said aspersions are as far as we know groundless; and it is our resolution if any person or persons shall hereafter deny the said article as above expressed, by preaching or writing or in conversation, to proceed against him or them according to the laws of the Gospel and the known practice of this church, and not to own him or them as members of this church.

[Notwithstanding this resolution expresses that it was unanimous,] 'Some brethren when this matter was debating withdrew, and being called returned and declared they were unwilling to come into this overture, not because they disbelieved the Article of Christ's Supreme Deity, for this Article they professed in the strongest terms to believe; but because they in their judgments are against all authoritative decisions of human tests of orthodoxy, and because they believe such decisions to be unseasonable at this time.'

It was voted by a great majority That all the members of this synod who are willing to subscribe the Westminster Confession of Faith according to the terms of the Pacific Act, be allowed by this synod to do it. All the ninety-eight ministers then present signed this form: Reserving to ourselves the benefit of the Pacific 'Act we believe the Westminster Confession of Faith to be founded on the Word of God, and therefore as such by this our subscription, we do use the said confession as the confession of our faith.'

Dr. Calamy's account is, "In the north of Ireland the pacific conclusion of last year's synod was so far from quieting the minds of the people that they took rather greater liberty than ever in reproaching ministers, and raising jealousies and censures against them. Some, to secure their interest with their people, subscribed the Westminster confession privately, and the people came generally to the Synod of Belfast with loud demands that it might be subscribed universally, which was said to be the only effectual way to vindicate the ministry from aspersions. The Synod this year concluded upon a declaration concerning the eternal and independent Deity of our Lord Jesus Christ; a point in which it was carried, none among them were erroneous. Notwithstanding which, all refused to concur in this rule or determination who were in their judgments against any authoritative human decisions as tests of orthodoxy. The Synod also gave leave that such as thought it expedient to subscribe the West-

minster confession might take that opportunity of doing it; and the major part did accordingly then subscribe it. The debate about these measures had (as Mr Abernethy observes in his *Defence of the Seasonable Advice* in answer to Mr Masterton), a great affinity with that the London ministers had split upon at Salters' Hall, concerning human forms as authoritative tests of orthodoxy, and the expediency of professing articles of faith in those forms, in order to remove jealousies.' Mr Weld, Mr Boyce, and Mr Choppin appeared in this Synod as deputies from Dublin, in order to the promoting peace; and they proposed an expedient, but without any effect."

At the meeting at Dungannon, in 1723, the following overtures were passed: 1. That for the security of this church it be declared by this Synod, and that agreeable to a resolution of our last general Synod in Derry, that the declaring articles of faith only in Scripture words and expressions shall not be accepted as a sufficient evidence of a person's soundness in the faith by this church. Resolved: That the condemning all creeds and confessions, and declarations of faith in human words as tests of orthodoxy opens a door to let in errors and heresies into the church.

This was carried *nem. con.*

2. And though it may be alleged that candidates for the ministry by words of their own may declare their faith to the satisfaction of their ordainers, yet that a particular part of this church should have it in their power to judge what in that case must be satisfactory to the whole body, is too great a trust, and extremely dangerous.

This was carried by a great majority.

At the meeting at Dungannon, in 1724, Mr Nevin was accused of having said it was not blasphemy to assert that Christ was not God, when in fact he referred to the secular crime of blasphemy, and instanced the case of Jews. After a long debate he was ordered to make a declaration of his belief of the supreme Deity of our Lord Jesus Christ, for the glory of God, the edification of the church, and to remove the offence he had given; and because he would not do so, he was expelled. Mr Nevin stated that his refusal did not proceed from any disbelief of the doctrine of the supreme Deity of Christ. Such a proceeding could scarcely have taken place out of Ireland. At the meeting Mr Boyce, who was above suspicion, declared that he had heard Mr Nevin prove the doctrine in question by solid arguments, and

the originator of the trial declared that during it he had received satisfaction that Mr Nevin was as orthodox in that point as any in the Synod. To make the matter complete, some member or members of Synod swelled the majority by voting (on the roll call) for two that were absent. Dr. Calamy's judgment is "There appears on the part of the managers against him (Mr Nevins) great sourness, imperiousness, and intolerable arrogance, as well as flagrant injustice." This is the doctor's last notice of Irish matters, his subsequent entries being very few.

At the meeting in 1725 at Antrim, Alexander Colville, M.D., a licentiate of the Presbytery of Cupar, and an early member of the Belfast Society, was suspended by the Synod, because on the Armagh Presbytery refusing to ordain him without his subscribing, he had obtained ordination from Dr. Calamy and some nine other ministers, in the doctor's vestry, under the presidency of Dr. Joshua Oldfield. Though Dr. Calamy does not notice the matter in his journal as printed, Dr. Reid states that he was so angry with the refusal to recognize this ordination, as to threaten the Synod with the loss of the Regium Donum. Dromore congregation then joined the Dublin non-subscribing Presbytery, and afterwards the Presbytery of Antrim, but in 1777, after Colville's death, were received back by the Synod.

In 1725 the Presbyteries of Antrim, Belfast, and Down, which formed the sub-synod of Belfast, the head-quarters of the new opinions, were re-distributed, that of Down being divided into presbyteries of Bangor (subscribing) and Killileagh (non-subscribing), a new presbytery of Templepatrick being created, and all the twelve ministers by this time distinguished as non-subscribers being allowed to join the presbytery of Antrim, as also the ministers of Comber, Aghadoey, and Dundalk. Of all these Belfast seems to have been, for a long time before 1826, the only subscribing presbytery. These arrangements must have been made as the best possible at the time, and in hope of the power of the synod being some time or other increased. The intention was to confine the "new light" doctrines to presbyteries the reclaiming of which was hopeless. The effect was to give them up for a hundred years to non-subscribing principles, and to encourage others to follow their course.

By this time the subscribers and non-subscribers were formed into two bodies, holding meetings in different places during

the adjournments of the Synod. Dr. Reid thinks that the difficulties would have been settled if the non-subscribers had proposed that the presbytery on an ordination should institute a strict examination into candidates' belief of the fundamental doctrines, taking their confession in their own words, a method which Mr Halliday, Mr Abernethy, and Mr Kirkpatrick, had previously assented to; but this was the method appointed by the Pacific Act. Of necessity the Westminster confession, and not the Bible, would have always been referred to as the standard, and this the non-subscribers were determined to avoid being held to; and indeed they seem never to have assented to it as their confession of faith, for they only say it contains all essential points of Christianity, or all necessary truth, but this is quite compatible with their rejecting any portion of it. Each body prepared its overture.

At the meeting at Dungannon (1726) [an overture offered by the subscribing body was read, and other overtures for exclusion of the non-subscribers.] The non-subscribers being now come, Mr Kirkpatrick read a draft of their observations on the overture from the subscribing body; promised to give a copy of it to the synod, and the synod reasoned upon this case a long time; and then a question was offered, Shall we delay the further consideration of the overture for another year, or proceed now? and the question being put it carried—proceed now, by a great majority. [The ministers it seems, by a majority of eleven, were for delay, but the great majority of the elders overruled them.] Then it was moved, 'That if the non-subscribers have anything to offer to compromise our difference they may now offer it.' It was further proposed as an expedient for peace, by some of the subscribing body, 'That the non-subscribers might voluntarily absent themselves from the next meeting of this General Synod; and in the meantime waive all our debates, and all printing upon controverted points among us; and that in that case we would delay the further consideration of the overture.' But the non-subscribers would not come under any engagements to this purpose, for that the next meeting of the synod at a year's distance they said they knew not what may fall out in that time that may render their attending the synod in their opinion necessary; but that they were willing to waive all our debates at present. Mr Abernethy further added in the name of the non-subscribers, that it is their resolution at present to waive their privilege of attending the next synod, but still under the limitations above mentioned; and also further proposed this synod should not meddle with any of their principles, or make any declarations against them in their absence, with several other limita-



tions. In the course of the debate the non-subscribers were desired again and again, to let us know their principles, or where we may find a scheme of them; to this they answered they knew not our principles; to this it was replied that our principles are very well known, being contained in our confession of faith, and that we might go through said confession article by article and declare our assent, and where they agree, they might declare their assent too, but this they declined. After long reasoning a question was offered, Shall we agree to the above overture from the subscribing body or not? and it carried—agreed by a great majority. [That overture was in these words: The committee appointed by the subscribing body, having seriously considered the propositions offered by the non-subscribers, do observe that some of the principles contained in these propositions are evasive of the Pacific Act, other important resolutions of this synod, and the known principles of our constitution, which we believe are founded upon, and agreeable to, the laws of the gospel, as well as consonant to the principles and practices of other reformed churches. We therefore justly reject these new terms of peace contained in these propositions (by which they endeavour to establish their non-declaring principle) as inconsistent with the peace and unity of this church. And we do declare our steady adherence to our own principles, and that it is matter of the deepest concern to us that by these their principles, and their declared resolution to adhere to them, they put it out of our power to maintain ministerial communion with them in church judicature as formerly, consistently with the faithful discharge of our ministerial office and the peace of our own consciences.]

The numbers were, thirty-six ministers for the resolution to thirty-four against it, two then absent afterwards signed a protest against it, and eight would not vote, so that the majority were in heart non-subscribers, though many were deterred from avowing themselves so from fear of their congregations. Mr Masterton wrote the next week: "The number of those in the synod who are for a strict adherence to our confession as a term of communion seems to be but small; and a vast number are so carried off that they could make greater concessions to the non-subscribers than some of us can with peace yield to." The laity generally were with the subscribers, and every non-subscriber lost a large part of his congregation. Thus in Ireland, as in England just before, it was shewn that the truth is best preserved by the people.

This vote cut off the non-subscribers from sitting in any church court, but did not deprive them of the ministerial office or

depose them from their congregations, and they formed themselves into a new body, retaining their old name of the Presbytery of Antrim. The ministers excluded were those of Belfast (two), Antrim, Moira, Holywood, Ballyclare, Larne, Ahoghill, Newtownards, Downpatrick, Cairncastle, and Duncan.\*

They had previously protested that they believed in the doctrine of the Trinity, and of the eternal Deity of the Saviour, and the votes of the Synod at the time allowed as much. Mr Abernethy's biography of itself might leave one in doubt of his orthodoxy, and his discourses published posthumously would be scarcely thought evangelical now, but both appearances might be owing to his biographer and editor of his sermons, and Mr Boyse, Mr Weld, and Mr Choppin would not have sanctioned a doubtful man. It is however certain that the next generation saw all the Presbytery of Antrim Arians, and so they seem to have continued ever since. There may be Socinians among them, but they are not avowedly so.

Several ministers protested against the excluding vote, but did nothing which might authorize their own exclusion. They no doubt shared the sentiments and feelings of the non-subscribers, but knew that if cut off they would not take their congregations over with them even to the extent to which their friends did. They remained therefore in the Synod to enfeeble and deteriorate it. They were to be found in some of its presbyteries in greater numbers than in others, but to such an extent did their principles infect the whole body that, for many years previous to 1828, four presbyteries only, out of fourteen connected with the Synod, made a point of enforcing subscription on their licentiates and ministers, those were Dromore, Belfast, Tyrone, and the Route presbyteries. In other presbyteries a minister subscribed if he liked, and if he did subscribe that was reported to the Synod; but no enquiry seems to have been made if an ordination was reported, and nothing was said about subscription by the person ordained. The practice of qualified subscription is also stated to have been resorted to, (and there was no necessity for it except in subscribing presbyteries,) that is, a minister as he subscribed said or muttered "so far as agreeable to the Holy Scriptures." Sometimes a minister subscribed a form which amounted only to a statement that the

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Still, as we shall see, it was impossible for the heterodox to obtain a vote of the Synod against either the confession or subscription to it, for they feared the people; yet on the other hand the orthodox were fain to content themselves with the confession keeping its place in the formal resolutions of the Synod, without attempting to impose subscription to it, or calling a minister to account for omitting to preach according to it, or even for openly preaching in opposition to its cardinal doctrines. It was thus preserved in unimpeached authority to be put in force at a better day. A tacit understanding seems to have been practically arrived at, that each Presbytery was to be controlled by the Synod just so much as it pleased and no more. This was just the state of things which the non-subscribers' overture would have brought about at the worst, and it was not Presbyterianism. One party rested in hope of future triumph, the other in perfect confidence of the permanence of its strength. The result of all the circumstances detailed in this paragraph was that many congregations of the Synod were scarcely to be distinguished from those of the Presbytery. It is admitted by Dr. Killen, the continuator of Dr. Reid's history, that at one time in the course of the last century the great majority of the ministers connected with the Synod were Pelagians, but he believes there was no period when Trinitarians among them did not outnumber the Arians. The Arians of our day, however, have asserted the contrary.

It is no wonder that as the Presbytery of Antrim left so many like-minded men behind them in the Synod, ministerial communion between some ministers of the two bodies was renewed, and as time went on and the sore feeling occasioned by the disruption wore off, there seems to have been little to check it but the unconcealed heterodoxy of the ministers of the Presbytery, and notwithstanding this, in some instances some of these being present at meetings of the Synod were invited to sit and vote

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in it, but they, on every occasion, declined to vote upon any matter of doctrine, discipline, or judicature.

In some rare instances it would seem that licentiates of the Presbytery have been ordained or settled ministers by the Synod. If a minister and congregation determined to leave the Synod and attach itself to the Presbytery, it was allowed to do so, and it seems to have been conceded (in the Killinchey case) that unless a minority protested against being disjoined from the Synod, that body could not prevent the proceeding, indeed it seems to have been admitted as a matter of right. It might, however, be held otherwise now.

The relation of the Presbytery to the Synod was most peculiar. It was not attempted to deprive the congregations, the ministers of which were cut off by the Synod, of their accustomed shares of the Regium Donum, on the contrary it was arranged that the clerk of the Synod should certify those ministers' names to the government, and pay over the total of their allowances, for distribution, to some one of them named by the Presbytery. The reason for this was evidently that it was considered bad policy to force the split among the party upon the attention of government so soon after the Toleration Act, and that it was feared that an attempt to deprive the Presbytery of a share of it might put the Synod's part in peril. The clerk of the Synod thus became invested with duties to the Presbytery, and at one time the members of the Presbytery were allowed by formal vote of synod to vote on his appointment. This vote was afterwards rescinded, but to the present time, on the ground of the synod's clerk being certifying officer for the Presbytery's proportion of Regium Donum, the members of the Presbytery may attend the opening and the closing meetings of the synod, and at the latter vote on the resolution appointing the place and time of the next meeting.

In 1750 the ministers of the Synod and those of the Presbytery united in establishing a fund for ministers' widows and children. Every minister subscribing (from the time of his ordination apparently) £2 a year, and his first year's share of regium donum secures his widow an annuity of £34 a year for life; if he leaves children and no widow, his children receive the annuity for ten years; and if a widow dies within ten years of her husband, the children receive the annuity for the unexpired part of the same term. The moderator of the Synod



in 1829 applied to the members of the Presbytery to join in supporting a professor of theology.

The conflict produced by the whole state of matters is to be traced in the votes of the Synod, as if the heterodox party compounded to allow orthodox resolutions to pass on being assured that they should have no practical effect, and not be followed up.

At the meeting at Magherafelt in 1747, it was resolved: Whereas, the synod has been well informed that several dangerous errors that sap the very foundation of Christianity are creeping into our bounds, such as men's denying the doctrine of Original Sin, the proper and real satisfaction of Christ, and the necessity of his imputed righteousness in order to our justification, as also the necessity of sincere obedience to the moral law to qualify us for communion with God here, and eternal life hereafter, and that the doctrine of the ever blessed Trinity of persons in the unity of essence, and their being of one substance, power, and eternity, and the gospel ordinances instituted by Christ, the great Head and lawgiver of his church, are questioned or denied by some, nay, even the sacred Scriptures themselves, disbelieved and openly impugned. This synod thought it their duty both to lament this mournful case and to express hereby their utmost detestation and abhorrence of, and to bear testimony against, these and all other errors whatsoever, and do take this opportunity to warn and enjoin all that are in their communion watchfully to guard against them, and to continue steadfast in the faith that has been handed down to us from our forefathers contained in the sacred Scriptures of the Old and New Testament, and summarily abridged in our Westminster Confession of Faith, and Larger and Shorter Catechisms.

The next series of entries disclose the distrust each party entertained of their having a voting majority. The first discussion adjourned; then resumed and dropt without any vote being taken; then the proceedings recorded as continuing the rule (though it was all the while intended not to be put in force); the correction of the minute by substituting "as usual" for "in full force;" the substituting for both expressions "unrepealed;" all shew that if heterodoxy was not strong enough to carry its point, it could render orthodoxy powerless.

At the meeting in 1781, at Dungannon, overture respecting irregularity of Presbyteries not returning their licensed or ordained as having subscribed the Westminster Confession of Faith as follows: On reading the return made by the Presbytery of Armagh, it was inquired

depose them from their congregations, and they formed themselves into a new body, retaining their old name of the Presbytery of Antrim. The ministers excluded were those of Belfast (two), Antrim, Moira, Holywood, Ballyclare, Larne, Ahoghill, Newtownards, Downpatrick, Cairncastle, and Dunearn.\*

They had previously protested that they believed in the doctrine of the Trinity, and of the eternal Deity of the Saviour, and the votes of the Synod at the time allowed as much. Mr Abernethy's biography of itself might leave one in doubt of his orthodoxy, and his discourses published posthumously would be scarcely thought evangelical now, but both appearances might be owing to his biographer and editor of his sermons, and Mr Boyse, Mr Weld, and Mr Choppin would not have sanctioned a doubtful man. It is however certain that the next generation saw all the Presbytery of Antrim Arians, and so they seem to have continued ever since. There may be Socinians among them, but they are not avowedly so.

Several ministers protested against the excluding vote, but did nothing which might authorize their own exclusion. They no doubt shared the sentiments and feelings of the non-subscribers, but knew that if cut off they would not take their congregations over with them even to the extent to which their friends did. They remained therefore in the Synod to enfeeble and deteriorate it. They were to be found in some of its presbyteries in greater numbers than in others, but to such an extent did their principles infect the whole body that, for many years previous to 1828, four presbyteries only, out of fourteen connected with the Synod, made a point of enforcing subscription on their licentiates and ministers, those were Dromore, Belfast, Tyrone, and the Route presbyteries. In other presbyteries a minister subscribed if he liked, and if he did subscribe that was reported to the Synod; but no enquiry seems to have been made if an ordination was reported, and nothing was said about subscription by the person ordained. The practice of qualified subscription is also stated to have been resorted to, (and there was no necessity for it except in subscribing presbyteries,) that is, a minister as he subscribed said or muttered "so far as agreeable to the Holy Scriptures." Sometimes a minister subscribed a form which amounted only to a statement that the

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essential truths of Christianity were contained in the Scriptures, which of course an infidel of any kind might subscribe.\*

Still, as we shall see, it was impossible for the heterodox to obtain a vote of the Synod against either the confession or subscription to it, for they feared the people; yet on the other hand the orthodox were fain to content themselves with the confession keeping its place in the formal resolutions of the Synod, without attempting to impose subscription to it, or calling a minister to account for omitting to preach according to it, or even for openly preaching in opposition to its cardinal doctrines. It was thus preserved in unimpeached authority to be put in force at a better day. A tacit understanding seems to have been practically arrived at, that each Presbytery was to be controlled by the Synod just so much as it pleased and no more. This was just the state of things which the non-subscribers' overture would have brought about at the worst, and it was not Presbyterianism. One party rested in hope of future triumph, the other in perfect confidence of the permanence of its strength. The result of all the circumstances detailed in this paragraph was that many congregations of the Synod were scarcely to be distinguished from those of the Presbytery. It is admitted by Dr. Killen, the continuator of Dr. Reid's history, that at one time in the course of the last century the great majority of the ministers connected with the Synod were Pelagians, but he believes there was no period when Trinitarians among them did not outnumber the Arians. The Arians of our day, however, have asserted the contrary.

It is no wonder that as the Presbytery of Antrim left so many like-minded men behind them in the Synod, ministerial communion between some ministers of the two bodies was renewed, and as time went on and the sore feeling occasioned by the disruption wore off, there seems to have been little to check it but the unconcealed heterodoxy of the ministers of the Presbytery, and notwithstanding this, in some instances some of these being present at meetings of the Synod were invited to sit and vote

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Curry's address, which illustrate the defendants' case and the opinion of the court as much as the judgment.]

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MR CURRY, Q.C.—In fact, as a body, whatever might be the opinions of its individual members, as a body, the Presbytery of Antrim have no difference in doctrine from the Synod of Ulster. They do not, indeed, require subscription to any confession or any human creed. Their religious belief may be summed up thus—That the Holy Scriptures are the only and the sufficient rule both of faith and practice ; that it is unlawful, and also contrary to the Scriptures, to subscribe to any creed of mere human formation, and that all individuals have a right to the free and unrestricted use of their own private judgment in matters of religious belief.

CHIEF BARON.—Do you mean to say that, as a body, they have no peculiar religious doctrines at all ?

MR CURRY.—As a body, my Lord, they have no religious belief at all, except what I have stated, that the Holy Scriptures are the rule to them of faith and practice.

CHIEF BARON.—That is not very peculiar. All Protestants admit that the Scriptures are the only rule of faith and morals. But, however, the point here in question is the doctrine of the Trinity. Do they agree to that ?

MR HOLMES.—They believe in the Bible, my Lord ; and if that doctrine is to be found there, they believe in it.

CHIEF BARON.—I am not talking of the Bible, Mr Holmes, but of a particular doctrine ; nor am I requiring you to give me a definition of your belief ; I want to know is the profession of the Presbytery of Antrim Arianism or Trinitarianism ?

MR CURRY.—The Presbytery of Antrim, as a body, profess neither ; but every member is at liberty to interpret the Scriptures as he sees right.

BARON SMITH.—How is it possible that every member of a body can differ from every other member in the interpretation of the sacred volume, and yet be considered as one religious body ?

MR CURRY.—Yes, my Lord, they can ; that is the distinguishing rule of the body, that each individual, whether minister or layman, has a right to use his own reason in the interpretation of the Scriptures—of course not rejecting the assistance also of his spiritual teacher or director.

BARON SMITH.—I am not denying that yours is a quite intelligible doctrine ; neither am I inquiring whether that doctrine be true or not : but it appears strange to me how you can consider as consolidated into one body persons, every individual of whom may differ from every other

individual in the interpretation of the Holy Scriptures. Do I make myself understood?

MR CURRY.—Oh, yes, my Lord, you do, and we will show you that the position is tenable.

BARON SMITH.—Now, suppose that I quite understood the theological features of the case, and differed from Mr Annesley, the grantor, yet, though I thought the object and intention of the grantor was to forward an erroneous purpose, yet if I had become a trustee to forward that purpose, whatever it was, should I not feel myself bound to act, not upon my own opinion, but upon the intention of Mr Annesley? Let it be understood that we are not in this case interfering or meddling with the question of right or wrong as regards the two separate religions; we are merely seeking to find out the actual intention and wish of the donor, and to act accordingly upon it.

CHIEF BARON.—We are merely endeavouring to find out what Mr Annesley's intention was in creating the trust; and whatever our decision may be in this case, let it be understood that we do not intend to declare any preference upon the point of faith.

BARON FOSTER.—Am I to understand your case to be this: that without saying whether you are or are not Trinitarians, you are entitled to this grant, although there is a portion of the plaintiffs' evidence to prove you are not, and you do not produce evidence to demonstrate what you are. Do you meet that part of the case?

MR CURRY.—I do not, my Lord, say they are or are not Trinitarians.

MR PENNEFATHER.—The evidence is, that the Presbytery of Antrim are Arians.

MR CURRY.—I am speaking of their religious principles as a body; and I say, that as a body, they have no public declaration as to belief in any particular creed or confession; but the sole distinguishing characteristic of them as a body is, that they take the Holy Scriptures as the only rule of their faith, and for the regulation of their moral conduct.

BARON FOSTER.—The court has no concern with any particular creed; but if it appears in evidence that the Presbytery of Antrim are all Arians, and that Francis Annesley did not mean to endow that form of religious belief, but an essentially different one, how does it meet the case, (when the plaintiff charges this in his bill), to tell us that you profess no creed at all?

MR CURRY.—I say so, my Lord, for the purpose of showing that the congregation of Clough by joining the Presbytery of Antrim have not forfeited their religious character, as entertaining the same Scriptural opinions as those which were entertained by their predecessors.

CHIEF BARON.—If I understand your case correctly, Do you claim

a right to the chapel upon the ground that you have, or have not, religious doctrines similar to those that prevailed at the time when Francis Annesley made the grant?

MR CURRY.—We claim upon the ground that we have the same religious doctrines as we entertained at the time of the grant.

CHIEF BARON.—What is your superior claim?

MR CURRY.—It is, my Lord, that we are a majority of the congregation; that we entertain the same religious opinions as that congregation has done as far back as living evidence can vouch; and as far as we can trace from hearsay, and the reputation of the same religious opinions in the year 1736.

CHIEF BARON.—But in all this you have not told us what your religious profession has been, or is. Am I to understand that as a congregation they entertain no acknowledged religious opinions, but profess in 1836 what they professed in 1736, and yet do not tell us what they professed, or profess, at either date?

MR CURRY.—I have failed in conveying my sentiments, my Lord: what I say is, that non-subscription to any creed is the distinguishing principle of the Presbytery of Antrim, and that joining them implies no change in the religious belief of the congregation of Clough. Upon the contrary, I shall call your attention to the evidence in the case, which establishes that the majority of the congregation of Clough, who in 1829 put themselves under the charge of the Presbytery of Antrim, entertained the same opinions in matters relative to religion that their predecessors did, down from 1752, which were the same as those professed and entertained by them in 1736.

BARON FOSTER.—If I understand the plaintiffs' case, it is, that in 1736 Francis Annesley gave up the possession of a part of his estate, and converted it to the endowment of particular congregations for Trinitarian purposes; the defendants as a matter of fact, now applying them to Anti-Trinitarian purposes. Do you meet the case by saying we belong to a body who have no profession upon the subject of Trinitarianism, or Anti-Trinitarianism? Meeting a fact, by saying you have no rule for it or against it, is not an answer to the allegation of the fact.

MR CURRY.—We do not meet the case by saying that we have joined a body who have no profession of faith: We meet the case thus—that our joining this body does not imply that we have changed our religious opinions, and we will produce evidence to show that the Rev. Mr Campbell, who preceded Mr Watson, entertained the same religious opinions that Mr Nolan did; that the Rev. Mr Porter, who preceded Mr Campbell, and the Rev. John Williamson, who preceded him, all entertained the same religious opinions.

BARON SMITH.—Your idea is, that the bond of religious union is the



admission of the authenticity and authority of Holy Scripture ; that each individual has a right to come to his own conclusion as to what the Scriptures teach, and that these were the principles of the Synod of Ulster in 1736, to the knowledge of Francis Annesley.

MR CURRY.—Yes, my Lord, and that their being in connection with the Presbytery of Antrim makes them Presbyterians, so as to come within the expression of Annesley in the trust deed.

BARON SMITH.—But ought it not also to appear, to support that argument and view of the case, that such were the views of the Synod in 1736 ?

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MR CURRY.—The question then arises, ‘What is the meaning of the term Presbyterian ?’ Does it necessarily imply a belief in any particular religious opinions or doctrines—or is it not entirely derived from a peculiar form of church government adopted by that body ? Now, the evidence of the case is abundant to show that the term Presbyterian is derived not from doctrine, but from the form of church government adopted—that is, by Presbyters, who, in conjunction, are called Presbyteries ; each Presbytery being composed of a certain number of congregations lying adjacent to each other, the minister of which, and one elder from which, forms the Presbytery of the particular district in which that congregation lies. It is besides a remarkable and distinguishing characteristic of those Presbyteries, that the lay members composing them have equal authority and power, as well in spiritual as temporal matters, as the ministers of the congregation themselves possess. The sufficiency of the Scriptures as the only rule of faith and practice, I take to be the fundamental principle and distinctive characteristic of the Presbyterian Church.

BARON SMITH.—I have some difficulty upon this subject, which probably you will be able to solve. The Established Church of England and Ireland recognises the Scriptures as the Word of God, and the only rule of appeal in faith and morals. The Roman Catholic Church admits the Scriptures to be the Word of God, and to be the rule of faith, with this qualification, I believe, that they give more extensive validity to certain tenets of tradition as the foundation of their faith ; but both agree in admitting the Scriptures to be the Word of God, and to be—being rightly interpreted—the rule of faith. Now, if the acknowledgment of Scripture, rightly interpreted, as the sole foundation of faith and practice, be the sole doctrinal foundation and distinctive characteristic of Presbyterianism, I want to know what is it that renders it distinctly at variance, in point of doctrine, with either the Established Protestant, or Roman Catholic Church ?

MR CURRY.—With respect to the doctrine of the sufficiency of

Scripture, we find the doctrine of the Presbyterian Church coincides distinctly with the doctrine of the Established Church ; and it is merely in church government or discipline that the bodies differ. The Presbyterian body, I believe, do not consider the ceremony of ordination, as it is practised in the Established Church, to convey the same gifts or privileges ascribed to it by the Thirty-Nine Articles, and form of ordination. Ordination, with Presbyterians, is merely setting apart a minister to a particular congregation by their peculiar form and ceremony, described in the New Testament. But it is not, so far as I have learned, supposed to derive any peculiar efficacy from being handed down from the time of the Apostles, through any line of conveyance or succession. That the doctrines of Presbyterianism are not founded on the belief of this or that particular creed or confession, is, I think, strongly borne out by the fact to which I previously called your Lordship's attention, namely, that from the establishment of the Presbyterian body in Ireland in 1611 to 1705, no subscription to any creed or confession was ever thought of or received ; and although it does appear that the Synod of Ulster adopted a subscription to the Westminster Confession of Faith, as part of its discipline, yet it does not appear that they considered it as forming any part of their doctrines, but merely as a part of the discipline of their body.

CHIEF BARON.—It seems rather a curious proposition to me, to require men to sign articles of faith, and yet say the whole matter is only a point of discipline, not of doctrine. I confess I do not understand the distinction.

MR CURRY.—I do not mean to say, my Lord, that the persons signing did not believe in the doctrines contained in the articles signed.

CHIEF BARON.—If candidates for the ministry are required to sign certain articles of faith, does not that imply and declare that they really profess and believe them ? Does not the signature, therefore, embrace doctrine as well as discipline ?

MR CURRY.—The signature is merely discipline, my Lord.

BARON SMITH.—The law of any Church requiring the signature of articles may be considered as discipline, but the act of signature, as I understand it, denotes the adhesion of the person signing to the doctrines contained in the articles. Surely, when a clergyman affixes his signature to the Thirty-nine Articles, he does not say it is a mere act of discipline, but considers it a declaration of his belief in the doctrines which they promulgate.

BARON FOSTER.—In short, in this case there is a sign and a thing signified ; and although the signature is merely the sign of a belief in the mind, yet surely it is impossible to shut our eyes to the fact, that the person who signs adopts the belief.

MR CURRY.—No doubt, my Lord. But the profession of ministers or candidates for the ministry, that they firmly believed in all the articles of the Westminster Confession of Faith, did not satisfy the Synod of Ulster unless they also subscribed. It is in this respect that I wish to draw the distinction, because you will find that many of the members who in 1726 refused to sign it, were upon that account excluded, and yet professed their belief in every doctrine contained in that profession.

BARON SMITH.—You would interpret the principles of your clients thus, that an individual might say, ‘I believe in the Westminster Confession of Faith; I admit the truth of its doctrines; but I would not be less a Presbyterian than I am if I denied them all.’ If I misapprehend you, set me right; for it is for the purpose of rescuing myself from misapprehension that I interrupt you. Am I then correct, or am I wrong in supposing, that, according to the principles of your clients, a person might use this language, ‘I am authorized to take my own interpretation of the Scriptures, and I adopt the Westminster Confession of Faith; but I say, at the same time, that I would not be less a good and genuine Presbyterian if I rejected them altogether?’

MR CURRY.—As far as the term ‘Presbyterian’ goes, my Lord, it is derived from a mere form of church government, and is not affected by the peculiar doctrines professed by individuals or bodies. The ministers who seceded from the Synod of Ulster, and formed the Presbytery of Antrim, professed to believe in the doctrines of the Confession of Faith, more especially, in the doctrine of the Trinity, but they would go no further than to make the profession; the Synod required the signature of the Westminster Confession, a part of their discipline; so the separation took place, and continues, not on the ground of doctrine, but of discipline.

BARON SMITH.—I see plainly the distinction between ‘doctrine’ and ‘discipline’ made by the defendants; but I do not understand how mere discipline could characterise a religion. Religion seems to me necessarily to require, and inseparably to conjoin, doctrine and discipline, faith and morals, profession and practice. Nor can I see how, in the present case, we are to discard doctrine—an essential, internal, constituent of a Church—and confine ourselves to discipline, which, at the utmost forms a mere external characteristic. Both must be taken into view, nor can they in reality be separated.

CHIEF BARON.—You say that signing an instrument which professes to be a Confession of Faith, is a mere matter of discipline, and has no reference to doctrine. Now, if that were the case, might not the particular confession you signed as well be any other book?

MR CURRY.—I think not, my Lord.

CHIEF BARON.—Oh! indeed, it would come to that, Mr Curry. If the signing of a lease, bond, or bill, were a mere matter of form, or discipline, and did not refer and bind to the contents of the documents, then, as to the meaning or result, it could make no difference which you signed.

BARON FOSTER.—Would not your argument go this length: that a man, by possibility, might object to every doctrine, held by every Christian in the world; and yet, by holding your discipline, be a good Presbyterian? Would not your argument necessarily go that length?

MR CURRY.—I would not wish to push it to that length, my Lord.

BARON FOSTER.—I am sure you would not.

MR CURRY.—For, my Lord, I think that any person of common understanding reading the Holy Scriptures cannot differ with every Christian upon religious belief, or upon any vital principle contained in them.

BARON FOSTER.—It therefore follows that the idea of a Presbyterian Church implies, or somehow includes, doctrine as well as discipline.

BARON SMITH.—I should have understood that the signature of a confession was something that involved a question of doctrine, and a rule of discipline. I think it amounts to this: that, to be a Presbyterian, an orthodox Presbyterian, you must hold that doctrine which the confession requires, and, by the discipline of the Church, nothing short of your signature is evidence of such being your faith.

MR CURRY.—That is precisely the distinction that I have been labouring to impress upon the Court, namely, that the Synod was not satisfied with the declaration of an individual as evidence of his belief in those doctrines; but they required his actual signature—his actual subscription to the Westminster Confession of Faith as a matter of discipline, making no allowance for the scruple of conscience which might actuate members in refusing to subscribe, but taking the refusal as evidence of the unsoundness of their belief in the doctrines of confession. Now, it appears that this rule of the Synod of 1705, requiring subscription, had not been much enforced; for, from 1718 down to 1726, many members of the Synod had refused to subscribe. In some cases the Synod, as a body, took notice of the refusal to sign; in others they did not: and it appears by the Records of the Synod itself that the Rev. Mr Halliday, of Belfast, who had refused to sign, was, notwithstanding, continued in connection with the body.—[Mr Curry here referred to the Synod Book, vol. ii. p. 150, to show that it was moved in consequence of the declaration of Mr Halliday, that all further proceedings should be dropped, as to requiring him to state to the Synod his scruples against signing the confession.]

MR HOLMES.—The grounds are not ‘unbelief;’ but we think it

injurious to the Christian religion to substitute any man's interpretation of the Bible for that which the sacred volume can enable yourself to form ; the ground of non-subscription is, therefore, against the principle of drawing up of articles, or creeds, or confessions, by fallible men, and then requiring subscription to them.

**CHIEF BARON.**—The record Mr Curry has read manifests it to have been an early or original principle of the Synod of Ulster, that members should declare their belief in the doctrine of the Trinity. It is, indeed, amongst the first articles in the Westminster Confession of Faith. I do not consider the question of subscription or non-subscription a matter of consequence in this case.

**MR HOLMES.**—But, remember, my Lord, that you will have to decide, before the case is over, something upon that point ; for unless that principle is distinctly understood the case cannot be decided.

**BARON FOSTER.**—The case urged by Mr Holmes is exceedingly different from the case of defendants. In the case of the Presbytery of Antrim, it is alleged that they declared their belief in the doctrine of the Trinity, or in the whole Westminster Confession, and merely scrupled or refused to subscribe ; but in the case of defendants, there is not a mere refusal to subscribe the confession, but a refusal even to declare what their religious belief is.

**BARON SMITH.**—I can very well conceive the propriety of the principle urged by Mr Holmes to a certain extent. I can understand why a man should scruple or refuse to sign a confession, merely because a certain set of men dictated or suggested it to him. To any rational man that would be almost an unanswerable objection against signature. But surely any rational man, in the full exercise of his Christian liberty, may sign, not in acknowledgment of mental vassalage, or submission to dictation, but in token of his concurrence with the articles proposed for his consideration. In this case, the cause of concurrence would not be, because others have laid down the doctrine, but because by consulting the authority of Scripture, the proposed doctrine is found and believed to be true.

**MR CURRY.**—We reject subscription to Articles of Faith, my Lord, even although conformable to the Scriptures, and that simply because they are the productions of mere fallible men. It may appear a refined distinction, but the whole of the evidence shows, my Lord, that this was the ground upon which the Presbytery of Antrim seceded from the Synod, and upon which they were joined by defendants. \* \* \* \*

#### JUDGMENT.

The **LORD CHIEF BARON** having read the prayer of the plaintiffs' bill, said : This case has occupied the court for a great deal of time ; it has been ably, fully, and eloquently discussed ; and the decision, as far

as the law is concerned, is not, in my opinion, attended with difficulty. The principle that must govern a Court of Equity in such a case as this is clear and well defined. A controversy of this kind must necessarily be carried on with warmth, and has in one or two instances given rise to very unpleasant results ; it is therefore desirable that it should be terminated as speedily as is consistent with the ends of justice, and the facts of the case will permit. If the circumstances of the case were not sufficiently clear to enable the court at once to decide upon the question, we would feel it our duty to delay, for the purpose of directing the necessary inquiries to be made. Upon the other hand, if the facts of the case are sufficiently clear to enable the court immediately to come to a decision, they would feel it to be their duty to decide and terminate a controversy which must be injurious to both parties, and also injurious to religion. Upon the 12th of May, 1736, the grant in question was made by Mr Francis Annesley to certain persons, the first of whom is Hugh Williamson, and that grant is, to them in fee—a legal estate—expressly containing certain trusts, which are in these words : ‘To the only proper use and behoof of them, their heirs and assigns, for ever, for the use and behoof and sole benefit,’ &c. The plaintiffs contend that they are the persons designated in the trusts, and the defendants set up an opposing claim ; so it is between these contending parties that the court is now called upon to decide. Now, before I proceed to consider the facts of the case, I shall lay down what I conceive to be the principles which must govern this court in coming to a decision upon a question such as this ; and I will next consider the facts and circumstances of the case as bearing upon the evidence to which those principles can be applied. I take it, that this is clearly a trust which a Court of Equity can adjudicate upon. I think the governing principle in the execution of that trust is the intention of the person who made the grant—that must necessarily govern the case ; and, in the next place, if that intention is clearly expressed in the deed, the court must be bound to carry that intention into execution ; but if it is not clearly expressed, if the deed is equivocal as to that point, the court must proceed to ascertain as well as they can from the evidence, what the grantor’s object was, and then come to a fair and reasonable result without contravening any principle of law. In deciding upon the case, the evidence carries us back a great way, even to the beginning of the last century ; and it requires us to ascertain, as well as we can, the principles and doctrines entertained by the Presbyterians at that time, and what they have continued to be since then ; and also to take notice of what the discipline or church government was that prevailed then and now. It appears that a certain number of congregations were attached to certain Presbyteries, so called, which had a certain jurisdiction over them ; and

these Presbyteries were themselves subject to the General Synod, which was the controlling body, as I understand the case, over both Presbyteries and congregations. The orders or overtures of the General Synod were expected to bind those who were attached to them, or as commonly called, those who were in connection with them ; and those who did not submit to be bound by them, were under the necessity of detaching themselves from, or were thrown off by, the Synod. In order to ascertain the religious faith and principles of Presbyterians, we must refer to the evidence, which carries us back at least to the commencement of the last century. We find clearly upon the whole of the evidence, that the original principles certainly were those of the Established Church ; although their discipline differed from it, their doctrines were accordant with it. The principal article of their faith, a belief in the Trinity, appears to have been universal at that time ; and it was not till a good many years after, as far as I can understand the evidence, that I can discover any trace of a departure from that belief. It is true that they were subject to penalties if they did not profess that belief, by the two Acts of Uniformity, the 2nd of Elizabeth, and the 17th and 18th of Charles the 2nd ; they were subject to the penalties imposed by these Acts, but I do not find any instance of those penalties having, at that early period, been enforced against them. Their doctrines probably were well known to be conformable to the Established Church, and therefore it was perhaps thought not desirable or prudent to call down the power of the law against them ; but although they were not molested in the exercise of their religion, yet they naturally required something more ; they naturally required that which was a practical indulgence, to be turned into a legal right ; and that an Act of Toleration (similar to that which had passed in England) should be extended to them. It was necessary and advisable to make some public manifestation of the principles of their faith, and with that view probably, they held a meeting in 1716, in the town of Belfast. The Westminster Confession of Faith, the first article in which was the Trinity, had been that which was the test of faith amongst them ; and in 1716 they prepared what they called a formula, containing a short account, an epitome of the articles of faith, and it was thought right to do so, by a meeting of the General Synod, or convocation of them, in order that their religious faith or principles should not be brought into controversy or doubt ; and accordingly they did prepare that formula, the first article in which is the Trinity. I need not notice any other article in this formula than the doctrine of the Trinity, because this is the important one, and it is upon this point that any difference can be supposed to have arisen. In 1719 the Act of Toleration was enacted, the 6th of Geo. 1st, c. 5, and by this act Presbyterians were granted the free exercise of their religion ;

is utterly impossible. But that he must have known (we must presume) what were the religious principles of that body which he countenanced and endowed under the name of the congregation of Clough in 1736, by a conveyance made to the Rev. Hugh Williamson, who was the first trustee under the deed, I take it to be perfectly clear, that he must have meant that very congregation professing those principles. It is the congregation of Clough in the singular number; it is this body which was explicitly and exclusively entitled to that appellation, and which the donor intended should have the benefit of his grant. It is the existing congregation of Clough, and the grant then goes on—"To all and every succeeding congregation." Now, it is contended upon the part of the defendants, that those words being so equivocal, do not point out any particular description of persons as the future congregation of Clough—that any persons whomsoever who chose to assume the denomination of the congregation of Clough, may, under that grant, assume a right to perform Divine worship in the meeting-house. I take it that no such irrational construction could be put upon the deed; it is that congregation which then existed, of which the Rev. Hugh Williamson was the head, who maintained those principles and doctrines, which we must think Annesley was acquainted with; and I do not think it is a rational presumption to make, that Annesley intended that there should be any controversy amongst those who assumed the title to the trusts of the deed. But what are the words? it is not only 'and every congregation of Protestants, &c.' but 'all and every succeeding congregations;' and I take it there is great force in the word 'succeeding.' It is not that any person who shall thrust himself in, that shall receive the benefit of the grant, but those who claim in right of 'succession' to those who were the first members of those congregations intended to be the objects of the trusts; and this is the rational construction of the deed, that he granted it originally in favour of certain persons whose principles he knew, whose character he was acquainted with, whose doctrines he understood, and of whose creed he approved; to continue his grant to them alone, and to those who should succeed them. If this is the right construction of the deed, the whole is clear and plain. We do not find any other body contesting the fact, or claiming to be the congregation of Clough, nor does even David Watson dispute the right of the congregation of Clough in connection with the Synod of Ulster, to the possession of the meeting-house; upon the contrary, he admits the right, because he proceeds to be elected by the Synod, and submits accordingly to the decrees and regulations which govern such elections. He comes forward originally as seeking to be appointed the minister of that congregation in connection with the Synod of Ulster. A poll takes place, and he is rejected. What does he do then? He submits still to the



control of the Synod of Ulster, for he presents a memorial to it. He and his friends present a memorial to the Synod of Ulster, requesting them to permit him a second poll, which cannot take place without their permission ; they reject that memorial ; and, therefore, by this act, he and his friends submitted to and acknowledged the authority of the Synod. It is only when a second poll is refused that they agree to renounce the allegiance of the Synod of Ulster—to abandon them altogether—to transfer their duty to another body, differing in religion, and maintaining directly opposite opinions, (namely, Anti-Trinitarianism,) and they go over and say, ‘Now, since in the Synod of Ulster we cannot have a second poll, and cannot have Mr Watson as our minister, we will turn over to you—Anti-Trinitarians ; we will associate ourselves with you ; connect ourselves with you ; place ourselves under your dominion and auspices, and we hope to have a second election ;’ and upon that election (which, of course, they receive permission to have, and at which there was nobody to vote, except those who went with them) he was elected. He was never elected by the congregation of Clough, or according to the rule, authority, or discipline of the Synod of Ulster, or the resolutions read in the case, which it appears by common consent, by the consent of all the congregation, were adopted, and were concurred in by Watson himself till he was disappointed in not being elected ; and then, and only then, it was that they seceded from the Synod of Ulster. Now, in addition to what I have said, I think it right to advert to the state of the law as it stood then. I have already said, that Presbyterians were subject (till the Act of Toleration) to certain penalties, that they were subject to these penalties by the statute laws—the two Acts of Uniformity ; and I have stated the exceptions in the Act of George I., that those who preached, or taught, or wrote against the doctrine of the Trinity, were liable to punishment. I think Anti-Trinitarians must have fallen within that exception, because their doctrines were directly contrary to that of an admission of, and belief in, the Trinity, and so far they were, strictly speaking, an illegal body. This is, in my mind, an important view of the case. It is important to see, both as regards the power and duty of the Court in carrying these trusts into operation ; it is important also as to the construction of the instrument itself ; it is important as it concerns the duty and power of the court, because, if the one be illegal and the other a legal body, the court can decree a specific execution in favour of that legal body. I think this question should be tried as if it came before the court in 1737, the year after the grant was made, and if the present defendants had filed their bill, seeking to have an execution of that trust in 1737, and stating that they had maintained and taught a doctrine in direct opposition to the Trinity, the court must have said to them, ‘You are

an illegal body, and we cannot give a specific execution of the trust in your favour ; it would be idle to do so, because you are subject to penalties by teaching these doctrines ; and the bill must, therefore, in my mind, have been dismissed. It, therefore, is an important consideration as relates to the power and duty of the court ; but it is important also in another point of view—it is important as it concerns the deed itself. It is argued that the words of the trust are general, and that those words, ‘the worship of God,’ may apply to one body as well as to the other. Taking it to be so, I conceive it to be a sound rule of construction, that if the written instrument be applicable to an illegal as well as to a legal body, the court will apply the words to the subject which is legal. I think it also a good criterion of the intention of the grantor of the deed, where certain words bear two meanings, one illegal the other legal ; it is a reasonable presumption, that where the grantor (as it must be supposed) was not ignorant of the state of the law,—every man being presumed to be a party to an act of Parliament,—he must, in considering the position of both parties, one legal the other illegal, have granted the portion of his estate mentioned in the bill, to a body who would be likely to enjoy the benefit of the grant, being legal. This is a reasonable presumption, and not rebutted by the evidence of the defendants. With respect to the law of the case, the authorities, I think, sufficiently bear us out in holding that the persons who are now the congregation of Clough, or who were so before this suit arose, are the persons who are entitled to this trust, and in whose favour the court should declare it. [His Lordship then quoted Lord Eldon’s observations in *Foley v. Wontner*, *Craigdallie v. Aikman*, and the *Attorney-General v. Pearson*]. This authority, I think, maintains the position which I have endeavoured to lay down, as containing the principles which are to govern this court in coming to its decision. I have brought my mind clearly in favour of the plaintiffs, but, let it not be understood, from any thing that has fallen from me, that I take upon me to decide which is the better rule of faith ; that is not my duty ; whatever my private opinions may be, this is not the place to announce them to the public. I approach a subject like the present, where the nature and essence of the Deity forms a part of the discussion, with the most profound respect, and with a degree of awe ; I have, therefore, declined giving any opinion upon so important and grave a subject. I think that the plaintiffs, in this case, are entitled to the relief they seek ; they are entitled to restrain the defendants from taking possession of the meeting-house ; they are also entitled to be declared the persons for whom the trusts of the deed were intended, and to have the benefit of the meeting-house ; they are entitled to have that conveyance which they seek, assigned to proper trustees, who will maintain the same doctrine as themselves, and

faithfully execute that trust deed. My opinion is, that the plaintiffs are entitled to succeed.

**BARON SMITH.**—Our first inquiry in this case must be, what was the intention of him who made the grant which has produced the question now before us. If we can discover this intent, it then becomes our duty to carry it into execution, provided we can do so without violating or contravening any principle or rule of law. If these intentions be explicitly expressed by the instrument itself, we need not go beyond it; we require no further aid. But if this grant be not, on the face of it, so clear, but that its objects require and admit of elucidation, then we are at liberty to resort to matters which are dehors the deed, and to apply those to the purposes of explanation, using these extrinsic circumstances, however, for the mere purpose of assisting us to interpret, and not for the widely different and illegitimate purpose of contradicting or altering the written instrument, which we have but to construe. In the case before us there is unquestionably a trust, and, upon the face of the grant, this trust appears to have been created for a Christian purpose, for it is created for the benefit of Protestant Dissenters or Presbyterians; and these undoubtedly are Christians, and the grantor must have been a Christian. If neither the grant itself, nor the circumstances under which that grant was made, evinced more than this, that he who made it meant to endow a place for Christian worship, then, upon authorities which have been cited, and which seem to me to rest upon sufficient grounds of principle, we might be warranted in construing the intention to have been, to establish a house of worship according to the rites and opinions of the Established Church. But this grant is not for Protestants of the Established Church, but for Protestant Dissenters, or Presbyterians. Accordingly, if there were no more in the case, we should merely have to inquire which of the parties to the present suit were Presbyterians. But here both bodies, the defendants as well as the plaintiffs' corps, profess to be Presbyterians; and if we admit that in the Presbyterian body there may be sects or divisions differing amongst themselves in their religious tenets, then our inquiry will be this; not which of those sects holds the most true and genuine Presbyterian doctrine, but to which of them the grantor belonged, if he belonged to either; or if he belonged to neither, for the benefit of which sect, creed, and doctrine, his intention was to provide a place of worship. He meant to provide it for the congregation of Clough; with their religious opinions it would be presumable that he was acquainted, even though this presumption were not forfeited, and I may say turned into solid proof, by the evidence which has been read. But how do we know what in 1736 the doctrine of the congregation of Clough was? By this: that they were then in connection with the Synod of Ulster.

And how do we know what was the doctrine of that Synod? By their records, which demonstrate that their belief, and consequently that of the affiliated congregation of Clough, was Trinitarian. And what is my conclusion? That the grantor intended to provide a place for the worship of God according to the Trinitarian doctrine. The words of the grant assure us that he meant to provide a place for the worship of God; and he, admitting the doctrine of the Trinity, perhaps would not have considered as a worship of God doctrines which, by a denial of the divinity of the Redeemer, stripped the godhead of one of its persons, and worshipped a supposed deity, of a nature different from that which he believed to belong to God. He and the Synod and the connected congregation of Clough, holding the Christian Deity to be tri-une, might consider the homage of God paid to a being to whom this mysterious attribute was denied, to be, not the worship of the true God, but a worship 'of other Gods,' and even as a denial of the Gospels, by refusing to the Son of God that divine nature which He—the fountain of sacred truth—seems to the Trinitarian to have repeatedly claimed for himself, as, (for mere example,) when he said that his Father and He were one. That a belief in the Holy Trinity was with the Synod an essential part of the orthodox belief of a Protestant Dissenter or Presbyterian (and for this class the grant upon the face of it purports to have been intended) appears from that Synod's requiring as a test of Orthodox Presbyterianism the subscription to the Westminster Confession of Faith, a formula which, amongst other matters, distinctly asserted the trinal (incomprehensibly combined with the unal) nature of Almighty God; and if, as an exception to this rule (and *exceptio probat regulam*) they have ever dispensed with 'the rigorous enforcement' (to use their words) of such subscription, they do not appear to have ever tolerated as consistent with Presbyterianism a repudiation of the doctrine of the Trinity, but merely, and at the most, to have dispensed with signature, where the objection to subscribe arose from scruples of a quite extrinsic character, and where such scruple to signature was accompanied by a recognition of the truth of the Trinitarian doctrine. Let me here, with unfeigned respect and admiration, advert to the far better than eloquent argument and effusion, to the manifestly sincere and impressively pious profession of faith, to the delightful exhibition of evangelical charity of, I hope he will allow me to call him, my friend, Mr Holmes. I unhesitatingly agree with him, that the Bible is the rule, the only rule of faith; that it is the star which is wanting to guide the wisest amongst us to the true sanctuary where we should bow and devoutly offer the incense and worship of the heart. I agree with him, that to appeal from the Word of God to the opinions or decrees of man is, as irrationally as impiously, to withdraw our faith and allegiance from perfection, infalli-

bility, and truth, and transfer them to infirmity, fallibility, and error ; and I also agree with him, that we are not to coerce our neighbour into an adoption of our belief ; but I at the same time hold, first, that the Scriptures must be interpreted before they can become a rule of common faith ; that men's interpretation of the Bible constitutes the foundations of their faith ; that the members of a community, who, after having searched the Scriptures, all concur in giving one interpretation to these fundamental and essential contents, that these I say, form one religious body or Church, while those who construe the Scriptures differently from them, but in concurrence with each other, form another distinct religious community or Church. Again, I do not conceive that I appeal from the Word of God to that of man, by proclaiming or attesting by my signature, that I concur in the interpretation given by a body of my fellow Christians to certain passages of Scripture. They agree with me, I agree with them, in interpretation and consequent creed ; but neither takes his belief on the authority of the others ; both draw their faith from the Bible as its common source ; both consider the Bible as containing the only rule of, and furnishing the only unerring guide to, a true faith ; each with God's assistance, and the subordinate and pious aid of human instruction interprets, as well as man's infirmity will permit ; both coincide in the same interpretation ; that interpretation regulates their faith ; and all who thus coincide become members of the same religion. And thirdly, we do not coerce our neighbour by calling for his signature to our profession or articles of faith ; we leave him free to adopt or repudiate that faith, according as his reason, his conscience, and the grace of God may direct him. We but say to him, if you agree with us, affix your signature to certain articles, or in some way testify your recognition of their truth ; or if you disagree, withhold such signature or declaration. And we say of him in the former case, that he is, and in the latter case that he is not, of our religion ; we do not compel him to hold our faith, we but ask him to inform us by certain acts, whether he does hold it or does not ; and we ask this only, if he claim to be enrolled as one of our body, and to be in religious communion with us. In the absence of such a test an establishment would not be a rock, cemented into solidity by harmonious uniformity of opinion. It would be a mere incongruous heap of as it were grains of sand, thrown together without being united, each of these intellectual and isolated grains differing from every other ; and the whole forming a but nominally united, while really unconnected mass, fraught with nothing but internal dissimilitude, and mutual and reciprocal contradiction and dissention : *hic dextrorsum abit ille sinistrorsum*. This indeed I should hold to be, in the language of a late prelate, 'a church without a religion.' But all, it may be said, admit

and from having been, strictly speaking, an illegal body, they became a legal body. But here it is also enacted, that those who either preached or wrote against the Trinity, should be deprived of, or excepted out of the benefit of toleration ; and therefore those who maintained those doctrines, actually continued an illegal body, and were still subject to the provisions of the Act of Uniformity. The Synod of Ulster, and those who were in connection with them, had uniformly maintained the doctrine of the Trinity, without any exception ; they required from time to time subscription to the Westminster Confession of Faith, of which the doctrine of the Trinity was the first article. They required that those who were ordained should also subscribe, and they from time to time issued orders to the Presbyteries under their control, to require subscription ; at all events they required some evidence of the parties' faith being conformable to the general faith of the Synod, and the belief of the Trinity was their principal article of faith. Things remained in this state, without, as far as I can learn from the evidence, any difference of opinion, till 1726, and then a new light seems to have broken in upon some of the members of the Synod ; what those doctrines specifically were we cannot at present say, (although I think we will be able to find out from the sequel), but it is clear they were considered as so inconsistent with the doctrines of the Synod of Ulster, that they thought it right to get them off altogether. They did so, and having left the Synod, they formed themselves into a new association under the name of the Presbytery of Antrim ; this was in 1726. I think we can discover by the evidence and circumstance of the case, what were the points of difference between the bodies ? It is asserted by the bill that the Presbytery of Antrim deny the Trinity, that they maintain Arianism as the principle of their faith, and although this is asserted in the bill, and although the plaintiffs claim relief principally upon that ground, the defendants have not met this in their answer, neither have they put a single question to one of the witnesses, as to what the principles of the Presbytery of Antrim were, but they have examined witnesses who say, 'such a man's principle was the same as mine,' but what his or their principles are is not known ; there is not by them one satisfactory answer given upon this point. This is, in my mind, a strong fact to show they were radically different from the Synod of Ulster. It was attempted to be proved, that the difference was more a difference in point of form or of discipline than any objection to the Westminster Confession of Faith, and that this was the ground of secession or exclusion, not that their faith differed from it, but that it ought not to be declared in that form. Now, I can never bring myself to believe, that that could have been the ground. The Presbytery of Antrim must have derived a great deal of influence, and consequently respect, from its

connection with the Synod, and I do not think a mere matter of form, not interfering with any of the essential articles of faith would have divided them. In point of truth that form did not affect those who seceded, for they were already ordained,—it could only have affected those who were intended for the ministry, and should hereafter apply to be ordained. I cannot possibly think that could have been the real ground of difference. But we have evidence, which I think abundant, to show that such was not the ground, because we have the evidence of two or three respectable clergymen, who state that the principles of the Presbytery of Antrim were uniformly Arian; that Arianism was their faith. We have the evidence of the Rev. Dr. Bruce, (the defendants' own witness,) the Rev. Dr. H. Cook, and the Rev. Dr. Reid, and we have abundance of evidence to show, in short, that they were Anti-Trinitarians; that they maintained doctrines totally opposite to those of the Synod of Ulster, and that the ground of their secession or exclusion was, that they radically differed from the Synod in the most material and vital principles of their faith. Now, the Presbytery of Antrim have still continued separated from the Synod of Ulster, and have still continued to maintain, according to the evidence, the same doctrines, which are Anti-Trinitarianism. The congregation of Clough was connected with the Synod of Ulster, and its minister, Hugh Williamson, had been ordained in 1722; at the time of that secession, in 1726, Williamson's congregation was in connection with the Synod of Ulster, and he and they have ever since remained in connection with the Synod of Ulster, and adhered to the original articles of their faith in connection with that Synod; they have professed to maintain, and have maintained, the doctrine of the Trinity, and in that they have uniformly persevered to this day. The plaintiffs came forward in this character—things remain in this state—the Presbytery of Antrim being separated from the Synod of Ulster; the congregation of Clough, with its minister, adhering to that religion and professing those principles, when (in 1736) the grant in question was made. They were known at that time by the name of the congregation of Clough, and no body disputed the title with them. The persons professing those doctrines were at this time Hugh Williamson and the congregation of Clough. Now, in such an extensive and influential body as the Presbyterians in the Province of Ulster, a schism of this kind must have occasioned a great deal of conversation and remark, and must have been publicly and generally known, and I take it to be utterly impossible that Francis Annesley upon whose estate the congregation of Clough assembled and met, and in whose neighbourhood no other congregations were, could have been ignorant of this secession of these members, who constituted the Presbytery of Antrim; that he could have been ignorant of it, I think

been a legal object. Again, the whole congregation has not migrated from the influence of the Synod (under which it was at the time of the grant) to the auspices and control of the Presbytery of Antrim. A portion of that congregation remains in the position in which it was at the time of the grant, and in connection with the Synod which that grant appeared to countenance and approve, and, in doing so, to sanction the doctrines which that connection seems to have evinced; and shall we divert the benefits of that grant from those who have remained at the post which seems to have produced it, and transfer those benefits to the fugitives who have retreated to the Presbytery of Antrim? In other words, shall we annihilate the trusts created in favour of the congregation of Clough, in connection with the Synod of Ulster, when such a society of *cestui que trusts*, such a congregation, so connected, though deserted by some of its former members, still exists, capable of enjoying the spiritual benefits which that grant conferred? It is said that a congregation, under the auspices of the Presbytery of Antrim, would receive a Trinitarian minister. But do they not dissent from the Synod, if they would receive any other? And with the Synod of Ulster does not the grantor appear to have agreed? But only look to the consequence of an alternate and indiscriminate reception of Trinitarian and Unitarian preachers. The one doctrine might be preached to-day, the conflicting one to-morrow. What is the faith of a congregation thus oscillating between reciprocally dissenting preachers? Must they not, on one of the two occasions, be like the Athenians, gratifying their curiosity by consenting to listen to Saint Paul? Was this to and fro proceeding the kind of worship of God which the Christian and pious grantor meant to establish for ever? I think not; and concur in the able judgment which my Lord Chief Baron has just given.

BARON FOSTER.—I have no doubt that every member of this court entertains a specific belief upon the important religious subjects which have been so much discussed in the arguments of this case, and further, that he adheres to them with a tenacity proportionate to their importance; but it is a clear principle of law, that it is not either by enforcing the truth or falsehood of the principle, and much less by the opinions which individuals may entertain, with respect to them, that the judgments of this court are to be regulated. Lord Eldon has laid down the view of the law in the case of *Craigdallie v. Aikman*. Therefore, while it is our duty to discard the opinions of individuals upon the subject, as a ground for our judgment, it becomes our duty to advert to them, as facts, which, connected with all the other circumstances connected with the endowment, may point out to us an answer to the single question which we have to discuss, which (as Lord Eldon terms it) “is the ownership of property;” and therefore, while I avow my sincere



belief in the perfect divinity of each of the three members of the Trinity, I protest against any impression or supposition that this, my sincere and unalterable conviction, should be understood to be the ground for the conclusion I have come to. To effectuate the intention of the donor, if that intention be a legal one, (and such it certainly is in this case), is the first duty of this court. It does not appear upon the face of the grant, that the donor has been explicit, and therefore, it becomes the duty of the court to collect what the donor's views were, from the evidence. And what is the field of evidence here? into the detail of it I shall certainly not enter; the luminous view that has already been taken of it by my brother judges, would make such an attempt improper; but I would observe generally, that in 1726, there were exhibited in Ulster two sets of doctrines, Trinitarian, and Anti-Trinitarian, each just as irreconcilable with the other at that day, and as well understood so to be, as they are at present. It is not merely that they are adverse to each other, but the one, be it observed, is the converse of the other; they are diametrically opposite and irreconcilable, and it is impossible for any person to approve of the one doctrine, without thereby disapproving of the other. The difference existing between these respective bodies is not light or trifling: it is essential and fundamental; it must have been so felt by every member of the Synod of Ulster in 1736, and not less felt, according to all the rules of presumption, by Mr Francis Annesley, who has shown a degree of attention to the subject, by esteeming it worth his while to part with a portion of his estate to create such an endowment as the one now before us. Upon the importance of these doctrines, Trinitarianism and Anti-Trinitarianism, there is no doubt; and any person who has heard the splendid exhibition of eloquence of Mr Holmes will have no doubt that his clients entertain as sincere a conviction of the importance and truth of those views as any that could by possibility be opposed to them. Now, then, the question here is, what were Francis Annesley's views in creating this endowment? He endowed the congregation which was then, (as is manifest from the evidence in the case), and continuing nearly for a century after, in connection with the Synod of Ulster, which then, at all events, made subscription to the Westminster Confession of Faith the fundamental condition of belonging to it. He selects the congregation so circumstanced for the object of his bounty; and the question is, whether this court is to stand by and see his property taken from the persons whose doctrines he endowed, and given to those professing a doctrine he condemned. I do not think it going too far to say, that in adopting the one he necessarily avowed his condemnation of the other. Facts have arisen now, after the space of a century, which force upon us the necessity of deciding the question. The property in the meeting-house is

sought to be taken from Trinitarians and consigned to anti-Trinitarians; and the 'worship of God,' and the exposition of the nature of God, and the spirit in which prayers are to be offered up to him, are now to be anti-Trinitarian, having been Trinitarian at the time the endowment was enacted. How are these facts established? It may be argued that the members of the Presbytery of Antrim are Trinitarians. In the first place, there is the positive evidence of three, if not of four clergymen upon the subject; two of them, be it observed, are anti-Trinitarians, and two of them Trinitarians; and they have all declared their impression to be—I will not say the 'Presbytery of Antrim, as a body, but the individuals who compose it, are anti-Trinitarians;' and I confess I cannot enter into the distinction—it is too fine for me—whether the Presbytery of Antrim, consisting of individuals all composing one body, have particular opinions separately, but not conjointly. So stands the evidence for the plaintiffs, to establish the fact put in issue, that the Presbytery of Antrim entertained doctrines diametrically adverse to those of the congregation originally endowed; and what do the defendants do under such circumstances? Do they contradict it? They do not. What they say is, and they establish, as they think, an all-sufficient case to answer the plaintiffs' bill, 'We will not tell you whether we are Trinitarians or anti-Trinitarians; whether we uphold or oppose the religious doctrines and principles which you profess, shall remain a secret, because we object to declaration of tenets altogether. We have an abstract antipathy to subscription! We will subscribe no formulas—no tenets—no confession,—and therefore there is the necessity of leaving you in perpetual ignorance as to what our opinions are.' As regards this difference and part of the case, a great suspicion is raised, that the reason of their objecting to subscription, and to declaring their religious sentiments is, that if they were expressed and divulged they might reveal the secret. But if it be said that this is too strong a presumption, I say, then, that there is nothing in the case which should have prevented them from giving us evidence by witnesses, independent of their non-subscription to the Westminster Confession of Faith, of their opinions, and establishing it to be the fact, that they do not hold doctrines at variance with those endowed by Francis Annesley; and the court sees no reason to doubt the evidence of the party who will tell us what the belief of the Presbytery of Antrim is, and who have told it without any manner of doubt, in asserting it to be anti-Trinitarian. The court rests upon that evidence; we were ready to hear it rebutted by opposite evidence, but none having been offered or elicited, as a matter of necessity we rest upon the evidence relied upon by the plaintiffs in the cause; and I beg to be understood to say, I do not think it is resting upon a light foundation; and although

we have no alternative to adopt, we can safely take our stand upon it, and say that we believe the facts to be so, at least in the absence of evidence upon the other side to rebut or contradict it. [His Lordship then referred to all the cases.\*] So that even if there were a majority, in this case, of the congregation that had gone over to the Presbytery of Antrim, according to Lord Eldon's view they forfeit all right to have any further

\* The final judgment given in the House of Lords in *Craigdallie v. Aikman* was omitted by misadventure in the note at p. 217, (though perhaps the case is better stated here), and a fuller notice of it is necessary.

The dispute arose in this way: "The act, declaration, and testimony for the doctrine, worship, discipline, and government of the Church of Scotland issued at Perth in the year 1736," (forming the constitution of the original seceders) recognized the Confession of Faith, Catechisms, Directory, and form of Presbyterian Church government, (agreed upon by the Assembly of Divines at Westminster, approved by the General Assembly of the Church of Scotland, and established by the first Scottish Parliament of William and Mary) as standards of their faith and church order, and prescribed a formula or series of questions to which affirmative answers were required from persons applying for license to preach, or for ordination.

The Confession of Faith contains the following paragraph:

"The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the Kingdom of Heaven, yet he hath authority, and it is his duty, to take order that unity and peace be preserved in the church; that the truth of God be kept pure and entire; that all blasphemies and heresies be suppressed; all corruptions and abuses in worship and discipline prevented or reformed; and all the ordinances of God duly settled, administered, and observed; for the better effecting whereof, he hath power to call Synods, to be present at them, and provide that whatsoever is transacted in them be according to the mind of God."

Among the questions are the following: "2. Do you sincerely own and believe the whole doctrines contained in the Confession of Faith? 4. Do you acknowledge the perpetual obligation of the National Covenant of Scotland (particularly as explained in 1638,) to abjure prelacy and the five articles of Perth and of the Solemn League and Covenant, and do you acknowledge that public covenanting is a moral duty under the New Testament dispensation to be performed when God, in his providence, calls for it?"

By 1795 it would seem that difficulties had suggested themselves respecting the power in matters of religion ascribed to the civil magistrate by the Confession of Faith, and respecting the nature of the obligation upon posterity of the National Covenants, and in that year, upon the petition of a member, no doubt the minister of the Perth congregation, a committee was appointed to review the questions in the formula.

At the meeting of the Synod in April, 1797, a petition was presented, by persons said to maintain the principles of the appellants, against any alteration in the substance of the formula, but assenting for the sake of peace to the following prefatory explanation of it: "At the same time, as certain expressions in the said formula, or in other ecclesiastical standards, and our National Covenants, have been understood by some as favouring persecution for conscience sake, and ascribing an exorbitant power of religious interference to the civil magistrate; we are far from wishing the Synod to request from any candidate at his license or ordination, approbation of any such principles, of which we disapprove; and as there is a diversity of opinion as to the obligation of our covenants national and solemn league, we consider them as binding on posterity only so far as these covenants respect a solemn engagement of adherence unto all the truths and ordinances of the Lord Jesus Christ, as contained in our confession and catechisms." The petition went on to say: "If the prefixing an explication of this nature to the old formula, would satisfy our brethren who object to said formula, we will agree thereto." This petition is stated

connexion with the endowment after they have seceded from it ; they must leave the endowment behind them as well as the doctrine. But it does not appear that they were a majority. I take it that a case more free from doubt, at least as it strikes my mind, has seldom come for the decision of the court. Of the law there is no doubt ; as to the facts we have them credibly proved by the plaintiffs, and not disproved by the

to have been presented by the appellants in the cause ; and the judgment in the Court of Session and the House of Lords, as reported, was in great part founded upon its being so, but it seems to have been presented by persons opposing a change, and not by anyone seeking to obtain concurrence in dealing with something objectionable to him.

The Synod did not agree to the proposal, but adopted the following preamble to the formula as an explanation of it : "Whereas some parts of the standard books of this Synod have been interpreted as favouring compulsory measures in religion, the Synod hereby declare that they do not require an approbation of any such principle from any candidate for license or ordination : And whereas a controversy has arisen among us respecting the nature and kind of the obligation of our solemn covenants on posterity, whether it be entirely of the same kind upon us as upon our ancestors who swore them ; the Synod hereby declare that while they hold the obligation of our covenants upon posterity, they do not interfere with that controversy which hath arisen respecting the nature and kind of it, and recommend to all the members to suppress that controversy, as tending to gender strife rather than godly edifying."

Various petitions against this preamble were presented to the Synod, but it was finally confirmed by a resolution in 1799. Several ministers protested against this resolution, and it would seem that the minister of the chapel in question signed a declaration stating that he did, "in his own name, and in the name of all the members of the congregation who should adhere to him, protest against the proceedings of the Synod, relative to, &c., and until the preamble should be removed decline the authority and jurisdiction of the Associated Burgher Synod, and of all Presbyteries subordinate to it," &c. The Synod upon this declared the minister to be no longer a member of their body, and excluded him from the pulpit of their meeting-house where he had been accustomed to preach.

The judgment of the Lords (see p. 219) found "as matter of fact sufficiently established by proof that the ground and buildings in question were purchased and erected with intent that the same should be used and enjoyed for the purpose of religious worship by a number of persons agreeing at the time in their religious opinions and persuasions, and therefore intending to continue in communion with each other, and that the society of such persons acceded to a body termed in the pleadings 'The Associate Synod,' and find that it does not expressly appear as matter of fact for what purpose it was intended at the time such purchase and erections were made, or at the time such accession took place, that the ground and buildings should be used and enjoyed in case the whole body of persons using and enjoying the same should change their religious principles and persuasions, or if in consequence of the adherence of some such persons to their original religious principles and persuasions, and the non-adherence of others of them thereto, such persons should cease to agree in their original principles and persuasions, and should cease to continue in communion with each other, and should cease either as to the whole body, or as to any part of the members composing the same, to adhere to the body termed in the pleadings 'The Associate Synod,' and it is therefore ordered and adjudged that, with these findings, the cause be remitted back to the Court of Session in Scotland to review all the interlocutors complained of in the said appeal, and upon such review to do therein what shall appear to them to be meet and just."

The following interlocutor was pronounced by the Court of Session when they had considered the matter after its being remitted to them :

defendants, and I feel no hesitation either in considering the law or the facts, to decide in favour of the plaintiffs in this case.

By the Court : We are of opinion that the question as regards the costs was a fair one for argument, and therefore will not give costs on either side.

The foregoing account is taken from a report of the trial in a

"The Lords having resumed consideration of this petition with condescendence, answers, replies, duplices, and whole cause, find that the pursuers, James Craigdallie and others, have failed to condescend upon any acts done, or opinions professed, by the Associate Synod, or by the defenders Jedidiah Aikman and others, from which this court, as far as they are capable of understanding the subject, can infer, much less find, that the said defenders have deviated from the original principles and standards of the associate Presbytery and Synod. Farther find, that the pursuers have failed in rendering intelligible to the court on what ground it is that they aver that there does at this moment exist any real difference between their principles and those of the defenders, for the Lords further find that the act of forbearance, as it is termed, on which the pursuers found as proving the apostacy of the defenders from the original principles of the secession, and the new formula, were never adopted by the defenders, but were either rejected or dismissed as inexpedient, and that the preamble to the formula which was adopted by the associate synod in the year 1797 is substantially, and almost verbatim, the same as the explication which the pursuers propose in their petition of the 13th April, 1797, to be prefixed to the formula, and to which, if it would have satisfied their brethren, they declared that they were willing to agree ; therefore, on the whole, find it to be unnecessary now to enter into any of the enquiries ordered by the House of Lords under the supposition that the defenders had departed from the original standards and principles of the association, and that the pursuers must be considered merely as so many individuals who have thought proper voluntarily to separate themselves from the congregation to which they belong without any assignable cause, and without any fault on the part of the defenders, and therefore have no right to disturb the defenders in the possession of the place of worship originally built for the profession of principles from which the pursuers have not shown that the defenders have deviated, therefore sustain the defences and assoilzie ; and in the counter-action of declarator, at the instance of the defenders, Jedidiah Aikman and others, decern and declare in terms of the libel ; but find no expenses due to either party."

On the 19th July, 1820, after the case had been argued again before the House of Lords upon this interlocutor, the Lord Chancellor said : "There is a cause which has been repeatedly before the House ; and one of the most difficult and distressing which I ever met with. I mean the case of Craigdallie v. Aikman. \* \* \* By the judgment it was intended that the congregation originally, if I may so represent them, were persons who adhered to the doctrines of what is known in Scotland by the name of the Associate Synod. This place for religious worship being built by the contributions of a great many persons adhering to the doctrines of the Associate Synod. If the whole body of those who now frequent the place, no longer adhered to the doctrines held by the Associate Synod, then it became a question for whom, at present, this building should be held in trust, which was purchased by monies originally subscribed by those who held the opinions of that Synod. The question then would be whether any of the members now desiring to have the use of this place of religious worship could be considered as entitled to the use of a building purchased by persons adhering to those religious opinions ? And supposing that there is a division of religious opinions in the persons at present wishing to enjoy this building, the question then would be, which of them adhered to the opinions of those who had built the place of worship, and which of them differed from those opinions ? Those who still adhered to those religious principles being more properly to be considered as the cestuique trusts of those who held this place of worship in

pamphlet of 205 pages by Mr Macrory, of Dublin and Dunearn, the solicitor of the Synod of Ulster, who conducted the plaintiffs' case; and as it gives only such parts of the pleadings and evidence as were quoted at the hearing, it has not been possible to state the defendants' positions in the well-advised words of

trust, than those who have departed altogether from the religious principles of those who founded this place, if I may so express it. I cannot read this judgment of the House without your perceiving that the House felt infinite difficulty how to proceed with a case so very singularly circumstanced as this was. [The course pursued in the Court of Session is then described]. It was maintained that a certain preamble, which has been very much heard of in the course of the cause, was in perfect harmony with the original and the strictest principles of the association; and that at all events, it was originally proposed by the appellants themselves, and was ultimately adopted merely in consequence of their zeal in its behalf. The court pronounced an interlocutor, in which it describes the utter impossibility of seeing anything like what was intelligible in the proceeding; and I do not know how this House is to relieve the parties from the consequence. The Court of Session in Scotland were full as likely to know what were the principles and standards of the Associate Presbytery and Synod of Scotland as any of your Lordships; and are as well, if not better, than your Lordships, able to decide whether any acts done or opinions professed by the defenders, Jedidiah Aikman and others, were opinions and facts which were a deviation on the part of the defenders from the principles and standards of the Associate Presbytery and Synod. If they were obliged to qualify their finding as they do, intimating that they doubt whether they understood the subject at all under the words "as far as they are capable of understanding the subject," I hope I may be permitted, without offence to you, to say that there may be some doubt whether we understand the subject, not only because the Court of Session was much more likely to understand the matter than we are, but because I have had the mortification, I know not how many times over, to endeavour myself to understand what these principles were, and whether they have, or have not, deviated from them; and I have made the attempt to understand it till I find it, at least on my part, to be quite hopeless.

"The questions therefore in this case are, whether the interlocutors by which the defences are sustained, and those parties assolized, are right. And to be sure if they cannot show that the defenders, or any of them, had departed from the original standards and principles of their association, and if the court is satisfied that the pursuers have not departed from those principles, but have thought proper voluntarily to separate from the congregation to which they belonged, the inquiries directed by the judgment of the House would be altogether unnecessary; for the inquiries directed by that judgment aimed at having it ascertained, whether the defenders and pursuers, or either, and if so, which of them, had departed from the original principles of the congregation; and according to what the Court of Session now tell us, they cannot find out, nor has either party enabled them to find out, that either the one or the other had departed from the original principles of their association; and the consequence of that is, that those who have not attended the meeting, but who are yet insisting that they have interests in the property in which the meeting is held, are to be considered as persons voluntarily separating themselves from the congregation without cause; and all I can say upon the subject is, that after racking my mind again and again upon the subject, I really do not know what more to make of it.

"On the other part of the interlocutor I entertain a doubt, namely, upon that part of whereby 'in the counter-action of declarator, at the instance of the defenders, Aikman and others, [which was raised by the respondents to have it declared that the parties protesting, and declining the jurisdiction of the Synod, had lost all interest in the subjects] they decern and declare in terms of the libel,' in which terms among other

their answer, as has been carefully done in other cases. A report in a shilling pamphlet had been published by the defendants, but it is described as consisting chiefly of Mr Holmes's speech, which did not at all deal with the facts of the case, or advance anything in the nature of an argument, but was mere decla-

things prayed, are that these defenders may forfeit all their interest in the property. Now I can conceive that consistently with the declaration contained in this interlocutor, there being no difference of religious opinion among those persons as far as the Court of Session could understand the subject, that it might be right to decern in the terms of the libel, namely, that those who are now engaged in the worship, according to those religious opinions and religious principles, the same in the judgment of the Court of Session, should not be disturbed in that religious worship; but I doubt extremely, whether on the other hand, if the parties had interest, I mean interest in the lands and buildings, you can go further than to say, that they shall permit the religious worship to proceed as it has hitherto proceeded, and that they shall not make use of the interest they have in the land and buildings to prevent that. But it would be going a great way to say that, because they have for the present separated from the rest of the congregation, and though this very interlocutor finds there is no difference of opinion between them, that you should take out of them, if they have in them, any interest in the lands and buildings, &c. You may direct that land and those buildings to be enjoyed for the purposes to which they were originally devoted; but if they have any interest in the land and buildings, I doubt very much the propriety of a declaration that they have forfeited that interest. That does not appear to me at this moment necessary to make good the effect of the interlocutor; but I will take it into further consideration till Friday."

On the 21st July, the Lord Chancellor finally disposed of the case in these words: "In that case of Craigdallie and Aikman there was one point which I reserved, in some measure, for further consideration; but in looking through the case again, my opinion is that I shall act most properly in advising you to affirm that judgment generally." Judgment affirmed.

The reporter's statement of the point decided is: "Held that in a case where it was difficult to ascertain who were the legal owners as representatives of the contributors, the use of the meeting-house belongs to those who adhere to the religious principles of those by whom it was erected; and that those who had separated themselves from the Associate Synod ["which was the constituted authority for the government of the community"] and declined their jurisdiction, were held to have forfeited their right to the property: although it had been judicially declared that there was no intelligible difference of opinion between them and the adherents of the Synod."

The state of things disclosed by this case affords an exemplification, as startling as can well be found, of the effect of written standards of faith and practice. There can be no doubt what it was that the words above quoted from the Confession were intended to secure, and every account of the Westminster Assembly shews us that persecution for conscience sake (in both meanings of that hacknied but alipshod term) and compulsory measures in religion were matters which lay as near as any other to the hearts of the Presbyterian divines who formed the majority of its members. They were prevented only by the ascendancy of Cromwell and the Independents from employing all the power the state could afford them to enforce their church on the rest of the kingdom. This they never forgave; many of their divines were deep in Love's Plot, and Sir George Booth's rising was almost, if not exclusively, a Presbyterian conspiracy. To the last they preferred Charles Stuart to the Protector, and when they had the man of their choice they would at first have unwillingly accepted a toleration, to be enjoyed by them only in common with all other Protestant Nonconformists, instead of a comprehension of themselves by the Church, which would have left the Independents, late their conquerors, to their uncovenanted mercies. That the same feeling is scarcely

mation upon what he considered the nature of religion. It is also reported in 2 Jones's Irish Exchequer Reports, 48.

It has been asserted (as in the case printed on the appeal in the Attorney-General v. Drummond post) that the Lord Chief Baron pronounced the Presbytery of Antrim to have been Arian from the

extinct yet is shewn by the fondness of Presbyterian authors for calling all other denominations in the same situation as themselves by the Scotch name of sectaries.

Yet it may be fairly doubted whether the confession would ever have served their turn in this particular more than it has done in the Scotch Establishment. The civil magistrate could not wish for greater power in religion than is conferred upon him by the words quoted from the confession. Dr. Erastus himself could do no more for a king or emperor than to invest him with the right to call Synods, and to provide that all they did was in accordance with what he chose to consider as the mind of God. No doubt the Westminster divines relied on being able to make the civil power the humble executioner of the sentences of their church courts, trusting that the mind of God would always be ascertained from their votes only, and though they failed in securing this, just as they did in trusting to a similar phrase in their Solemn League and Covenant, they may, at one time at least, have reasonably counted on establishing their system as the national one, and obtaining complete ascendancy for it.

But for a dissenting body to adopt such a decree appears self-condemnatory, if not suicidal. Accordingly after Presbyterians dissenting from a Presbyterian Establishment had become an hereditary body, there began to arise among them doubts whether they could with consistency hold the theory of the Kirk as to the power of the magistrate in matters of religion; but those whose consciences were most awakened, instead of calling for a reform of the standard, being afraid of bringing it into doubt altogether, only proposed a preamble, which dispensed with adherence to the principles of the confession in the particular in question, as if wrongly deduced from the expressions employed in it. But although they could reconcile themselves to professing their belief of the confession, inclusive of this clause with the false interpretation of it, they could not brook the rejection of their preamble, although for one quite as disingenuous, and differing from it only as containing a recommendation to smother the controversy they had raised, for they would not give up their old-world covenant, though they could not hope ever to put it in practice, and though they had seen what a covenanted king might be in the only specimen of one, the second Charles. It should be borne in mind that this paltering and equivocation were exercised upon the vows taken in obtaining a license to exercise the ministry, or ordination to a congregation. The United Presbyterian Church, in which the Burgher Secession has merged, still make the Westminster Confession their standard, but with certain modifications, among which is the omission of the clause relating to the power, in religious matters, of the civil magistrate. This is the serious side of the matter, but like everything irrational it has its comic side also, and we see what ridicule was thrown over it by the Court of Session and the Chancellor, though they treated both parties with kindness, and with all the respect their conduct admitted of, all protesting their inability to distinguish between the preambles, and declaring, that for aught they saw of the contending parties, both adhered to the standard, notwithstanding what each had said of the other. The litigants, it should be remarked, were not the old Cameronians, or the Reformed Associate Synod, or even the Anti-burghers, but were to be found among the Burghers, from whom we might have expected better things.

The Chancellor restricted his opinion to the consideration which party agreed, with the doctrines of the founders, and did not raise the question as to rebellion against the legislation of the Synod, which the reporter represents him as having decided. Had he done so, it would have had more bearing on the Clough case, and the one we next have to advert to. [This report is taken from 2 Bligh, 529.]



beginning ; he does not however say so expressly in his judgment, though he intimates that he thought so. But this was not positively asserted by Mr Pennefather, who stated the plaintiffs' case, or by Mr Bennett, who replied for them ; and they could only say that the excluded ministers who formed the Presbytery were supposed to be Arians, for there was no evidence, or historical proof from books, given on the subject. Mr Curry, for the defendants, said, " I think it distinctly appears upon evidence, and it is also a matter well ascertained by the historical accounts of the day, that the separation was not produced by any difference as to religious opinions or doctrines between the parties so separating, and those who remained joined to the Synod of Ulster ; but solely upon the ground that the persons so seceding, or separating, thought a subscription to any rule of faith or to any human creed or confession not only unlawful, but sinful." The Chief Baron had therefore no means afforded him on the trial of coming to the conclusions at which he arrived on this point, so his opinion has no authority except that which his own researches gave it, and he does not speak as if the question had previously been at all a matter of personal inquiry. It was not for the interest of the plaintiffs to prove that on the disruption the Synod had allowed heterodoxy to gain undisputed possession of so many chapels ; and the defendants could not deny the orthodoxy of the founders of the Presbytery of Antrim without destroying the merit of the stand which they made against the imposition of human compositions as articles of faith. The professions of these founders, and the credence which the Synod gave to them, and recorded in its minutes, ought to be conclusive on orthodox and heterodox. It certainly is a most astonishing proceeding for any person to express veneration for a set of men as the fathers and founders of his communion, and in the same book or speech to found arguments and claims to property on their dishonesty.

In 1835 a contest arose between the Synod and the Remonstrant Synod. Killinchey, in the county of Down, had a very large chapel occupied by one of the oldest Presbyterian congregations in Ireland. John Livingstone, a licentiate of the Scotch Church, had been ordained about 1680, to the parish church there. Knox, Bishop of Raphoe, who was of the same family as the great Scotch reformer, now represented by the Irish Earl of Ranfurly, joined with Presbyterian ministers in his ordination, a course followed in those times by the other Irish

Bishops who did any good in Ireland; the saintly Bedell showed Presbyterian leanings still more strongly. Mr Livingstone, after several attempts to cope with the difficulties of his position, finally returned to Scotland about 1636. Michael Bruce, also a licentiate of the Church of Scotland, was ordained by a Presbytery to the parish in 1657, but in 1661 was put out by Bishop Jeremy Taylor. He returned to his flock, though not to his parish, and died in 1693. Both he and Livingstone were so distinguished that there were memoirs of them published in their own day, and reprinted in ours. The congregation in which they both laboured must have been an important one. The succession after them was: 1693 Archibald Hamilton, 1702 James Reid, 1753 Joseph Kinkhead, 1762 George McEwen, and 1797 Samuel Walser.

On the foundation of Ulster Presbyterianism, in 1691, the congregation of Killinchey was attached to the Presbytery of Down, but was transferred in 1725 to that of Killileagh, in 1762 to that of Bangor, in 1774 to that of Belfast, and in 1835 back to that of Down.

The transfer from Killileagh to Bangor Presbytery was granted by the Synod after many years' demur, part of the congregation petitioning against it. It appears on the Synod's minutes that at one year's debate Mr Kinkhead, then minister, told the Synod, on their refusing the application, "He would be under the necessity of declaring for an Independency." The Synod was displeased at this declaration, and ordered explanation, which was satisfactorily given. The ordination of Mr Kinkhead was delayed for seven years, as he would not be ordained by the Killileagh Presbytery.

It seems the first meeting-house was built either on a lease or permission in 1670, when there was no Presbytery in Ulster, any Presbytery which we read of about that time being an improvised one, self-constituted for the occasion.

By deeds of lease and release of 7th and 8th May, 1740, John Potter, merchant, of Killinchey, in consideration of £10 [then a full price for the land, so that Mr Potter was a mere vendor, not a founder] granted an acre of land, Cunningham measure, on which a new meeting-house for the congregation had been built on the old site at a barley-corn rent, to eight trustees and their heirs, "to the use and behoof, sole benefit and accommodation of, the Protestant Dissenters, who do or shall assemble or meet there for public divine worship commonly called

the Presbyterian congregation of Killinchey, for the time being, and of all and every succeeding congregation of Protestant Dissenters or Presbyterians who from time to time shall meet or assemble at the said meeting-house, in order to worship God for ever." It is declared that "the several members of the said Protestant Dissenting Congregation, commonly called the Presbyterian congregation of Killinchey, shall have some parts or parcels of ground for seats or pews in the said meeting-house for their conveniences and accommodation in attending the public worship of God there for the time being, and at all times hereafter for ever divided, rented, granted, and demised and set to them by, and at the discretion and direction of a major part of the heads of families who now are, or hereafter shall be, members of the said congregation, free and clear of and from any rent or charge whatsoever other than the said major parts of the heads of families shall determine and declare necessary or proper towards the maintenance of their present, or any succeeding pastor, teacher, or preacher in the said congregation, and towards the repairing the said meeting-house and meeting-house yard, and the conveniences, fences, and improvements thereunto belonging. It also declared that at any time after the said seats or pews were divided and rented in manner thereinbefore mentioned, the major part of the said heads of families, if they should judge it necessary or expedient, might appoint or depute any certain number of men, being members of the said congregation, as a committee, and might grant to such committee a power to let, set, or demise the said seats or pews to such person or persons, being members of the said congregation, as were willing to take the same, and to take the proper securities for the rent or rents thereof from such persons as they should set or let the same to, and upon non-payment of such rent or rents, sum or sums, to demand, sue for, and recover the same, and when paid to apply the same to the uses, intents, and purposes thereinbefore mentioned, and to no other use, intent, or purpose whatsoever, which said committee or number of men so to be chosen, and any single member thereof, shall at all times thereafter be subject to the inspection and direction of the said major part of the said heads of families, and may by them be entirely dissolved, and a new committee appointed, or any one or more members thereof removed, and a new member or members appointed in his or their place or places as to the said majority of the said heads of families shall from time to time seem meet and convenient. There is a covenant by the trustees with the grantor not to appropriate, alter, or change the said premises, or any part thereof, to or for any other use or uses, or purpose whatsoever other than to the uses hereinbefore expressed, and that they, their heirs, or assigns, should for ever stand seized of all and singular the premises hereby granted and conveyed to the uses aforesaid only.

It is lastly provided that when any two, three or four of the trustees shall die or remove their residence out of the county of Down, the survivor or survivors, continuer or continuers of his or their residence in the same county shall, by sufficient deed, assign the said trust to any other person such as they, the said surviving or continuing trustees, the minister or teacher of the said congregation for the time being one, should think fit to name or appoint, subject to all the covenants herein set forth.

All the ministers had been orthodox down to the time of the Rev. Samuel Watson. He, it seems, subscribed on his ordination, but he asserted that he gave a qualified subscription, i.e., said when signing that he subscribed so far as the Westminster Confession was in accordance with the Scriptures. It was proved in the suit that he evinced an unwillingness to subscribe at all, but was told by one of the elders he would not be minister of Killinchey unless he did so. He was one of the ministers who signed the remonstrance, but he did not secede from the Synod. He was an old man, and apparently much respected and liked by those who knew him, and evidently his Presbytery were willing that he should continue in his office until death, though it was again and again brought before their attention that he did not preach the distinctive doctrines of the Gospel. At last the Synod having thrown off the founders of the Remonstrant Synod, the Presbytery felt they must do something, and they held a visitation Presbytery at Killinchey on the 19th August, 1832, which examined into the matter, and declared that the doctrines of the Trinity and Original Sin were not preached by Mr Watson, but nothing more was done.

The congregation having been annexed to the Presbytery of Down in 1835, the next year that Presbytery inserted in its minutes a statement that there was not a second service during the summer months at Killinchey Chapel, but it did not appear that the Presbytery took any step to put an end to that irregularity.

By the code of 1824 the Synod may appoint a commission of its members in the case of negligence or unreasonable tardiness in a Presbytery, and in June the Synod, without any notice to Mr Watson or any examination into his conduct, appointed a committee to take charge of the congregation, which virtually deposed him, and his friends complained of this conduct as unconstitutional. The congregation on 11th August presented a memorial (signed by

one hundred and forty heads of families, while only sixty-seven voted against it) to the Synod, requesting them to rescind the appointment of the committee. The committee on the 19th August assembled at Killinchey, and resolved: "That whilst there has been the most ample testimony borne to the high character of Mr Watson, the committee have to lament that with regard to his preaching it appears that the supreme Deity of the Lord Jesus Christ, and some other fundamental doctrines of the Gospel, have not been brought forward with that prominence which they merit. That from these reasons and a consideration of his infirmity arising from his advanced life, he having been thirty-eight years in the ministry, together with the great extent of the congregation, comprising at least one thousand families, the committee unanimously resolve strongly, and yet respectfully, to recommend to Mr Watson immediately to ask liberty for his people to choose an assistant and successor. That until this measure be accomplished, the committee shall on every third Sabbath send some of its members to preach in Killinchey, not from any hostility to Mr Watson, but from an anxious desire to assist him in reviving the interest of decaying religion in this part of the church. That Mr Denham be appointed to preach in Killinchey on next Lord's day to read and explain these resolutions to the congregation."

The members of the committee appointed to preach presented themselves at the chapel next Sunday at the usual hour, and conducted the service, and the Kirk Session of the Congregation at this service summoned the seatholders to that day fortnight to take measures "for securing the rights and privileges of this ancient and respectable congregation in consequence of the late proceedings of the Synod and the decision of the committee." The members of the committee appointed preached on the next Sunday. The meeting of the congregation was held, and a resolution was proposed "That the congregation should thenceforth be independent of all Synods and Presbyteries," but an amendment was carried by two hundred and nineteen heads of families to ten, to join either the Remonstrant Synod or the Presbytery of Antrim, as the session should decide. The session met immediately and decided for the Remonstrant Synod, which was reported to, and approved by the congregation. The moderator of the Synod of Ulster was present and protested, on behalf of the part of the congregation who wished to remain attached to

the Synod of Ulster. The Remonstrant Synod, at a meeting called for the purpose, received the congregation, and annexed it to its Presbytery of Bangor.

Mr Watson was then summoned to attend the meeting of the committee, the summons being a common one, and not stating the committee was about to proceed against him. He did not attend, and was deposed for non-attendance.

Mr Watson's congregation then obtained a conveyance of the chapel from the heirs of those of the original trustees whom they supposed to have survived the others, but the dates of whose deaths afterwards they could not ascertain.

A meeting of the heads of families in the congregation adhering to the Synod formed themselves into a separate congregation, and invited the Reverend David Anderson to be their minister, and he was ordained 6th December, 1836. They seem to have worshipped in a warehouse.

It seems that seats in the Killinchey chapel, (and it is not alleged as a singular case), had been regularly sold for small sums ; and to such an extent was this notion of property carried, that if a seatholder was in arrear for his seat rent, his seat was sold by the committee after due notice to him, his arrears discharged, and any surplus paid him. The congregation at the old chapel, in accordance with the public recommendation of the Remonstrant Synod to all congregations under its care, offered through Mr Watson to the seceders, adequate pecuniary compensation for their several rights and interests in the meeting-house and property. It seems, however, that this offer came after the decision of the Clough case, previously to which they had refused all propositions for arrangement.

On the 7th November, 1836, Mr Anderson and several members of his congregation demanded from Mr Watson and the new trustees possession of the chapel, and on the 30th March, 1837, filed a bill against them on the Equity side of the Exchequer, praying the execution of the trusts of the deed of 1740 ; that the conveyance to the new trustees might be declared fraudulent, and a conveyance from them to proper trustees decreed ; and that the defendants might be ordered to give up possession of the chapel, and the deeds relating to it.

The defendants either in their answer or by evidence insisted on the following matters :

That the real practice of the Synod, notwithstanding any

resolutions which they passed was to permit differences of opinion on all points in their congregations ; and that several doctrines of the Westminster Confession were either disavowed or kept in abeyance by many ministers who were members of the Synod ; and they instanced particularly those relating to the decrees of God, the salvability of men not professing the Christian religion, the perseverance of saints, the power of the civil magistrate in matters of religion, see note p. 419 *supra*, the powers of church officers to remit and retain sins, the causes of God's choice of men to everlasting glory, the eternal sonship of Christ, and the power of councils to determine controversies of faith. As to these points they cross-examined the plaintiffs' witnesses who were ministers or members of the Killinchey congregation ; the ministers declared that they held these doctrines, and that they knew no distinction between doctrines as being some essential or fundamental, and others of them not so, since the confession made no such distinction ; while each of the laymen denied his belief of some of these doctrines.

That one of the Synod's ministers, the Rev. Samuel Dill had published a book denying the eternal sonship of Christ ; that another of them, the Rev. James Carlisle, had published a book, in which he declared there was error and sin in the confession, and that to no trivial extent, and controverted or objected to the imposition of doctrines expressed in it ; and also that several ministers of the Synod at their ordination had objected to the declaration in the confession as to the eternal sonship of Christ, and that notwithstanding these acts all these persons had remained in the body.

That James Reid, the minister of Killinchey, in 1726, signed the protest against the Act of Synod, which cut off the founders of the Presbytery of Antrim. That in Mr Kinkhead's time the congregation insisted on being removed from the subscribing Presbytery of Killileagh to the non-subscribing Presbytery of Bangor, and Mr Kinkhead remained unordained for seven years until the transfer was made. That Mr Watson signed the Remonstrance (in fact he signed the protest only) against the regulations of 1828. That the Killinchey congregation had not changed in their opinions since 1740. That the regulations of 1828 were passed without a year's notice, and without their being discussed in the Presbyteries as the code of discipline required. That the separation of 1829 was made not on account of doctrine,

as some Trinitarians had seceded, but of the unconstitutional usurpation of the rights of the presbytery by the committee of Synod. That a majority of the contributors had a right to remove the congregation to the Remonstrant Synod, which held the same opinions which the congregation had always held.

That the Rev. William Porter, the clerk of the Synod of Ulster, dismissed in 1827 for Arianism, was a high Arian, and that the members of the Remonstrant Synod were at the time of examination all Arians. One of the defendants declared himself a Trinitarian, and the belief of the others, including the Rev. Samuel Watson, was stated in these words: "That although fully receiving the many passages of Scripture which ascribe the most exalted dignity to the character of our blessed Lord; though reverently believing that he is the brightness of his Father's glory and the express image of his person, and that God was in Christ reconciling the world to Himself, yet these defendants after an anxious, and as they hope and believe, an unprejudiced investigation of the sacred Scriptures, have not been able to discover any satisfactory evidence of the supreme deity of the Saviour, and his perfect equality in power with the Father of all; therefore these defendants severally say that they are not believers in the doctrine of the Trinity, as the said doctrine is defined in the Westminster Confession, and in other creeds and confessions popularly received."

Evidence was gone into on both sides as to the making out the list of contributors and the polling, neither of which seems to have been according to the elaborate provisions of the code of discipline, thus justifying the surmise at p. 17 that many questions must have arisen among English Presbyterians, unless minute provisions were in force throughout the denomination.

An attempt was made, but unsuccessfully, by the defendants to show that the moderator of the Synod offered to head an attempt to take possession of the chapel, and that a party of orangemen had been engaged for the service: Evidence was also given pointing out the statement in the confession that idolaters cannot be saved, and coupling it with the expression "infidels, papists, or other idolaters." All this was intended to raise prejudices against the plaintiffs in the mind of Chief Baron Wulfe, who was a Romanist, but the sting of the question as to idolaters was drawn by the answer that only those Roman



Catholics who maintained the absolute supremacy of the Pope over general councils were to be called Papists.

The plaintiffs proved the acts of Synod, which have been already set out; the practice as to giving congregations in charge to a committee; and the heterodoxy of all members of the Remonstrant Synod. All the circumstances connected with the poll-book and the polling at the meeting which voted the transfer of the congregation were proved on one side or the other.

Each party again brought out its champions to show the rules and resolutions of the body on the one side, or its usages and principles on the other; Drs. Cooke, Reid, and Robert Stewart, appearing for the plaintiffs, and Dr. Montgomery, the Rev. John Scott Porter, and the Rev. William Porter, for the defendants.

The plaintiffs, in addition to the arguments used in the Clough case, would have urged the following: That the congregation might remain Trinitarian though they joined the Remonstrant Synod, since some of its founders were Trinitarians, and its constitution received Trinitarians as willingly as Anti-Trinitarians. That the Synod of Ulster had departed from the old constitution, as they had taken the examination on the admission of students, probationers, and ministers out of the hands of the Presbyteries, to whom alone it had been previously intrusted, and devolved it upon a committee, which was a new body unknown to the constitution. That this principle of centralization was altogether contrary to the genius of Irish Presbyterianism, which left all to the Presbyteries, the only Scriptural tribunal, and gave no real power to the Synod. That by insisting on subscription they were introducing a practice which, though prescribed by old resolutions of the Synod, had never been put in force, and was in fact abrogated formally when the code of discipline allowed the ordaining Presbytery to ascertain a candidate's fitness, not by subscription, but by examination. That the Remonstrant Synod retained the old rules and usages of Irish Presbyterianism, and therefore the congregation of Killinchy in joining them were supporting the principles and following the usages in vogue at the date of the deed. That setting up any standard but the Bible, and all attempts to control a congregation in the choice of its minister, were inconsistent with the principles of Protestantism and of Presbyterianism as it had always been held in the congregation.

The defendants evidently intended also to contend that the vote

which prevented the regulations of 1829 from applying to ministers already ordained was a tacit recognition that other sentiments had prevailed, and amounted to a compact that the ministers of the Synod then holding them should be permitted to retain their pulpits until their deaths; and that not only was the state of things disclosed in the minute of 1827 previously well known, but ministers then living had been chosen moderators and clerks of the Synod of Ulster, when they were avowed and notorious Arians, and it was monstrous that they or their brethren of like opinions should be expelled from their chapels during their lives.

They also seem to have contemplated making a point of the division in 1829 see p. 390, of the contributions of the congregations of both parties to the denominational funds, as amounting to the renunciation of the chapels. But that arrangement recognized the propriety of adhering to founders' intentions, and could not affect the trusts on which the chapels were held.

The brief for the plaintiffs, consisting of the pleadings, examinations and exhibits, forms a folio volume of two hundred and eighteen pages with eighty lines in a page, and twenty-two in smaller print with one hundred and twenty lines in a page, the solicitor's observations being printed throughout in the margins.

The cause never was tried, as the defendants consented to a decree against themselves. Several months after the decision of the Hewley case, when great additional expense had been incurred, and all was ready for the hearing, they proposed that each party should pay its own costs. This was refused, but Mr Macrory, the plaintiffs' solicitor, agreed to accept the amount which he had actually disbursed, in order to make an end of the matter.

Hitherto the proceedings of the orthodox had been defensive, but they now became aggressive. The next case, the Attorney-General v. Drummond, was against members of the Synod of Munster, and was instituted in the Irish Court of Chancery.

The information was filed 13th April, 1840. It arose on a deed of trust, dated 1st May, 1710, which constituted the ministers of the congregations of the five chapels in Wood Street, Cook Street, New Row, Plunket Street, and Mary's Abbey, and laymen to be chosen as there mentioned, trustees of a fund for the support of religion in Dublin and the south of Ireland, by the means stated in the judgment. The chief contributors to this fund were Sir Abraham Langford, Bart., Joseph

Damer, Esq., Lady Loftus, and Dr. Daniel Williams, then of Dublin, afterwards of London.

The information alleged that the charity fund had become considerable. [The income is stated at about £540 a year.] That the Wood Street congregation had united with that of Cook Street, and removed to Strand Street; the congregation of New Row had removed to Eustace Street, and the congregation of Plunket Street had united with that of Usher's Quay. That Strand Street and Eustace Street congregations had become Unitarian; Mary's Abbey and Usher's Quay congregations had remained Trinitarian. That part of the funds were applied in support of Unitarianism. That £100 offered by Mr Matthews (a relator) in order that he might become a trustee under a clause in the deed had been rejected, and that a grant to the Fermoy congregation, to which the other relators belonged, has been refused.

The Trinitarian trustees, except those connected with Mary's Abbey, answered separately, in accordance with the statements in the bill. The answer of the other trustees stated that 'the opinions in later times embraced by the majority of the said congregations of Eustace Street and Strand Street were in conformity with those held by that class of Protestant Dissenters usually denominated Unitarian Presbyterians, understanding by the said term Unitarian, that mode or form of Christian faith which, while it acknowledged the divine mission of Jesus Christ and the authority of His gospel as the gospel of God, regards the doctrine which asserts His supreme Deity, or his being the proper object of adoration and worship, as asserting that which our Saviour himself, according to their understanding of the Scriptures, denied, and consequently as unscriptural and untrue. But that in these congregations the Unitarian belief is not adopted as the bond or principle of congregational union, on the contrary the sole bond of congregational union therein, is the principle of rejecting in matters of faith the declarations of man, and all confessions, tests, and articles whatever drawn up or devised by man, and abiding by the Bible, and the Bible only, as their rule of faith and practice, and that in conformity with the said principle the ministers and members of the said congregations respectively are at liberty from time to time to adopt such views of Christian faith in relation to the doctrine of the Trinity or any other doctrine or asserted doctrine of the Christian faith as may appear to them consonant with Scripture, without incurring thereby the forfeiture of any right, temporal or otherwise, which they may enjoy as members of the said congregations respectively.'

The case was argued on the 24th, 26th, 27th, and 28th of January, 1842.

The LORD CHANCELLOR.—This case has been very elaborately

argued, and it would be impossible for the court to have had abler assistance than has been afforded by the counsel on both sides. If I had been aware how nearly this case resembled *Lady Hewley's*, I should have postponed the hearing of it until that case had been decided, although neither party desired me to do so. It is not my intention finally to dispose of this case until that of *Lady Hewley* has been disposed of by the House of Lords. It would be presumption in me sitting here now to decide finally (whatever may be my present opinions) upon questions, which may receive great light from the authority by which I must ultimately be bound. As, however, the case has been fully argued, I think it proper to state, while the subject is fresh in my mind, what my impressions are. I wish, for the sake of the parties, that I had not been counsel in *Lady Hewley's* case; but I can only say, that I have endeavoured to divest my mind of any impression which I may have received during the argument of that case. I shall endeavour to see whether this case cannot be disposed of according to the strictest rules of law, without involving myself in any of the difficulties, now the subject of grave consideration in the House of Lords.

There is one question, without discussing which it is impossible to enter on this subject at all, viz., whether parol evidence is admissible to aid in the construction of a deed? Now that parol evidence in a general sense is not admissible to construe a deed, admits of no doubt. You must take the deed as you find it. It has been properly stated at the bar that I should not be at liberty to receive parol evidence of declarations of the founders against their grant. Clearly not. Neither could I receive it to uphold their grant. You must judge of what a man means by what he has expressed in his deed, and property would not be safe if the law were at liberty to inquire into what men have said in opposition to that which they have expressed in their deeds.

On the other hand it is one of the settled rules of law that in construing a deed or written instrument, the court is at liberty to inquire into all the surrounding circumstances which may have acted upon the minds of the persons by whom the deed or will (for it matters not whether it was one or the other) was executed. I have a right, for instance, if a man makes a settlement for his children, in which I find something ambiguous, to ask what was the state of the family of the settler, and all the circumstances in which he was placed in relation to the property which he has disposed of. I have a right (and it is often necessary to exercise it) to make a similar inquiry in the case of testamentary dispositions; in many cases one construction would be given to particular words, if children were living at the time the instrument was executed; another construction if there were no children living at that period. The court, therefore, has not merely a right, but

it is its duty, to inquire into the surrounding circumstances before it can approach the construction of the instrument itself; but I freely admit (indeed I lay it down as a rule from which I will never depart) that when the court has possession of all these facts, which it is entitled to know, they will only enable the court to put a construction on the instrument consistent with the words, and the Judge is not at liberty, because he has acquired a knowledge of those facts, to put a construction on the words which they do not fairly bear; but the right to inquire, to the extent I stated, admits of no doubt.

It is singular enough, looking at this case, let it be disguised as it may, that both parties have resorted to parol testimony. One of the most settled rules of law for the construction of ambiguities in ancient instruments is that you may resort to contemporaneous usage to ascertain the meaning of the deed; tell me what you have done under such a deed and I will tell you what that deed means. It is equally a settled rule of law, where ambiguous expressions are used, though you are not at liberty to prove by their declarations what the parties meant, you are not only at liberty, but you are driven to supply yourself with evidence to know what is the meaning of such expressions. If I have to decide on the meaning of a deed, in which some technical word, some word of art of which I may be ignorant, is used, I must have recourse to dictionaries and lexicons, in order that they may instruct me. Without at present looking into the particular trusts of this deed, but supposing them to be for the purpose of carrying on and supporting Christians in their religious worship, and providing for Protestant dissent, the moment I open the deed, I am compelled to ask myself (in a dispute between two parties, each asserting that they are the persons who come within that description) who are Christians? and who are Protestant Dissenters? It is not a case in which there is no doubt or ambiguity, for each side assert that they come within the description of the parties mentioned in the deed. I admit that the defendants have not so much difficulty to contend with in their view of the case as the relators, for they say the description includes both parties; the plaintiffs say No, the description is exclusive, and does exclude the defendants altogether. I must then ask myself what is the meaning in law of a Christian. Whom does it denote? Who is a Christian in the view of this court when it is called upon to give a legal explanation of the word? When I have put the legal exposition on that word, who, I must again ask, are Protestant Dissenters? I must have an answer to these two questions before I am competent to approach the question which it is my duty to decide. One of the counsel for the defendants pressed me to this extent: he says, you are not at liberty to receive any parol evidence whatever, and yet what does he do himself? In as powerful and able an argument as I

have ever heard addressed to me he absolutely denies my right as a Judge to receive parol or extrinsic evidence at all, and then he gives me parol evidence as to the meaning of the term Protestant Dissenter. He produces acts of parliament and says that these words were used in such and such instances to include Unitarians, not a declaration by the legislature what constitutes a Unitarian, or how he may be described. This is, in my opinion, very proper evidence, but is it not for the purpose for which it is produced—parol evidence. He brings these statutes before me to show what is the meaning of the words Protestant Dissenter, and therefore I do not see any great difference between the parties as regards the question upon the admissibility of such parol evidence as I am disposed to receive.

If I look to the authorities on this case, I find Lord Eldon's opinion clearly expressed in the *Attorney-General v. Pearson*, that the court must, in ambiguous cases, look to usage ; and that is warranted by all the authorities. Now what is usage but parol evidence ? It is parol evidence of facts in order to construe the deed. If I look to the report of what took place in *Lady Hewley's case*, I find parol evidence admitted by the Vice-Chancellor, and that even as to opinions. The plaintiffs' counsel have argued truly that I cannot know in what sense words are used, unless I know by whom they are used. A Mahomedan might say, 'I am a Christian,' as he believes in a certain sense in Christ ; but I must ask what kind of a Christian he is. If I were told who was speaking I should know in what sense he used the words. But then arises the difficulty so strongly urged in this and in previous cases. Suppose there were two deeds, suppose a Unitarian for example to have alone executed the deed, I am called upon to construe, and that a similar deed in the same words was, on the same day, executed by Sir Arthur Langford ; according to this doctrine, the court must put two different constructions on similar instruments, one being the foundation of a Unitarian who, when he speaks of Christianity, means Unitarian Christianity ; and when he speaks of Protestant Dissenters means what I am told are the best of all Protestant Dissenters, Unitarians who carry dissent to the greatest possible extent. The Unitarian would say to the court, you can have no difficulty about the construction to be given to my deed, for it is executed by an avowed Unitarian. Ask what his opinions were, and you can ascertain the sense in which he used these words. The Trinitarian will say the same as to his deed, that no difficulty can arise as to its meaning. Ask the Trinitarian and he will say, 'by Christianity I mean what is popularly called Christianity.' He would ask, 'Did I ever hear of a Trinitarian Christian ?' I must have replied I never had, for the simple term 'Christian' implies that the person spoken of is a Trinitarian ; indeed the

Unitarian claiming to be a Christian is content to say, 'I am a Unitarian Christian.' He has to bring himself within the pale of Christianity by a distinction. The Trinitarian would therefore say, 'I used the term Christian in its popular and original sense, and you cannot mistake the meaning of my deed.' The court, in construing two such deeds upon such evidence alone, would find itself in a situation of great embarrassment. This shows the difficulty of receiving evidence of mere opinions as a foundation for the construction of particular expressions in a deed; but we must not put a construction on the words of the founders contrary to the general meaning of those words, because they entertained a particular set of opinions.

In this case, however, I shall throw out of my consideration all the evidence with respect to the mere opinions of the founders; I shall only admit evidence of those matters with respect to the admissibility of which there can, I think, be no dispute.

Many Judges have gone much further than I propose in this case to go. The opinion of Lord Eldon in the *Attorney-General v. Pearson*, was perfectly clear that evidence of contemporaneous usage was admissible. The Vice-Chancellor in the same case, held that evidence respecting opinions was to be received. In the case of the *Attorney-General v. Shore* the two common law Judges who assisted Lord Lyndhurst had no doubt of this. 'There is no doubt,' said Mr Baron Alderson, who delivered the joint opinions of himself and Mr Justice Patteson, 'as to the principles which are to govern our opinions; they are fully laid down and explained in the case of the *Attorney-General v. Pearson*, and may be thus shortly expressed. The will of the founder is to be observed. Then how is the will of the founder to be ascertained? If it be expressed clearly in the deed or instrument of foundation, there can be no difficulty; if expressed in doubtful or general words, recourse must be had to extrinsic circumstances; such as the known opinions of the founder, the existing state of the law, the contemporaneous usage, or the like.' Lord Lyndhurst acted on the rule thus laid down. In another part of the case they say, 'This view of the case is applicable to Unitarian preaching,' so that there again they consider you are at liberty to go into matters of history, and to inquire what was the state of the law at the time, in order to form an opinion upon these points. Lord Lyndhurst said: 'I agree entirely in the principle stated by the learned judges, upon which this case must be decided. In every case of charity, if the terms which are made use of are obscure, doubtful, or equivocal, either in themselves or in the application of them, it then becomes the duty of the court to ascertain by evidence, as well as it is able, what was the intent of the founder of the charity, and in what sense the particular expressions were used. It is a question of evidence,

and that evidence will vary with the circumstances of each particular case ; it is a question of fact to be determined ; and the moment the fact is known and ascertained, then the application of the principle is clear and easy.' And that judge also held that opinions might be taken into consideration as shewing what was the intention of the founder.

This point was very much discussed in the course of the argument in the House of Lords ; but I want to draw the attention of the bar to what it was that was particularly objected to as being parol evidence in the appeal to the House of Lords ; to what extent the appellants objected to parol evidence.

The Attorney-General, in opening the argument in that case on the part of the appellants, complains of the evidence that was admitted. He says, 'There was a great body of evidence for the purpose of shewing what I should not at all have complained of, namely, the meaning affixed to particular words at a particular time ; that would be perfectly legitimate, nor should I at all have objected to the evidence of usage which might be evidence to show in what sense the words were used at the time the deed was executed ; but what I do complain of is this, that a great body of evidence was admitted, and was acted upon both by the Vice-Chancellor and by Lord Lyndhurst, and by the two learned Judges who assisted him, with a view to shew in what sense Lady Hewley used particular words. That is what I complain of. I say that you may go into evidence with regard to ancient documents with regard to the sense in which particular expressions were used at a particular time.' And that is repeated in the reply, and the Attorney-General, in the most distinct terms, states that he complains not at all of the admission of general evidence from usage or the like, but confines his complaint to the admission of evidence to shew in what sense Lady Hewley used particular words.

When the Solicitor-General followed him he says, speaking of the exclusion of parol evidence : 'I consider it no receding from that proposition to admit that for the purpose of construing the deed, you might look to what the circumstances were under which it was executed, that is to say, in order to ascertain what the foundress, the party executing the deed, meant by the words which she has used, you might look to all those circumstances by which she was surrounded at the time she used them in order that you might know what she knew at the time she executed the deed, and in order to ascertain the meaning of the words.' So that the counsel on the opposite side found no difficulty in admitting that which I am inclined to take as my rule upon this occasion.

In his reply the Attorney-General says, 'But we are by no means in the dilemma that is supposed, because we do not say that evidence is to be entirely excluded, although we deny that all the evidence is to be



admitted, or is to be acted upon, with respect to which so much argument has been used. We do not say that the evidence is to be entirely excluded, but we say that a great part of the evidence that has been admitted with respect to the private opinion and belief of Lady Hewley ought to be excluded, or if admitted, it ought not to be acted upon. It is upon the private opinion of Lady Hewley that this decree rests, and this decree cannot be supported if the private opinion of Lady Hewley is not a legitimate ground upon which the decree can be supported. I have never disputed for one moment that evidence may be admitted to shew in what sense the words 'godly preachers of Christ's holy gospel' were used in the time of Lady Hewley; I have not said that with regard to the will no evidence can be received, facts and circumstances may be admitted.'

It appears, then, to be clear that the objection in Lady Hewley's case is not to the admission of parol evidence generally, but only to the admission of such parts of the evidence as go to prove expressions used by Lady Hewley in her life time, or her opinions generally. However, I do not intend to receive such evidence here. What I am prepared to act on, subject to correction, is this: I shall admit evidence, or if not furnished, I will, if necessary, look for evidence in history, in records, and acts of parliament, in the knowledge of the times, in the writings of men of different persuasions on ecclesiastical subjects; I will seek from all these sources for evidence to ascertain what, at the time of the execution of this deed, was the meaning of the word 'Christian,' and the meaning of the words 'Protestant Dissenters,' and that not for the purpose of putting a construction on these words, which would do any violence to the deed, but, if I can, to enable me to put a construction on them that shall at once be consistent with the deed, and accord with the intention of the founders. I reject therefore at once all evidence which goes to show what the founders thought, what their opinions were, in order to put a construction on this deed, but I shall not exclude evidence which informs me what they did. I shall receive evidence which goes to show to what places of worship they resorted, or what their acts were, although this may not throw any light upon the construction of the deed. I am clearly at liberty to receive such evidence, because this deed proceeds upon certain existing foundations which it was intended should be continued and maintained for the future. I must therefore inquire what were the foundations referred to by this deed, and I cannot do so without knowing how far the founders were mixed up with these establishments, not as to their individual opinions, but as to their acts in forming a part of the general body, whatever their opinions were, who resorted to these foundations.

Now nobody will dispute that I am entitled to evidence (indeed I

am bound to know it without evidence) of the opinions expressed by the general body of Presbyterians. I am at perfect liberty, with evidence or without it, to resort to the Westminster Confession of Faith, whether Presbyterians subscribe it or not. If I find them in connection with the Synod of Ulster, then I must inquire what was the practice of that Synod, in matters of religion, before I decide whether Unitarians are, or are not, included in the trusts of this deed : I must know all about the foundations established before the execution of this deed to enable me to decide who come within the trusts which it has created.

It was argued on the part of the relators very ably that it was not subscription or non-subscription that was involved in this case, because among the founders there were both strong opponents of subscription and some who subscribed ; but that the question is in reference to doctrine.

Now the defendants' counsel say that all Protestant dissent turns not upon questions of doctrine, but upon matters of church government, but it is perfectly clear it may include both, or be confined to one. In most cases it includes both. It is not Presbyterian government, but Protestant doctrine which I am to deal with in this case, because although Presbyterianism depends not so much on doctrine as on church government ; yet, here the question of Protestant doctrine comes before me for decision. The founders of this trust were Presbyterians, and the foundations of this deed were for church purposes, if I may so express it, that is, for Presbyterian purposes, they believing in the doctrines of Original Sin, the Atonement, the Divinity of Christ, and the Trinity, according to the Westminster Confession of Faith. Subscription only comes into consideration in this way : If a man subscribes there is an end of all difficulty in ascertaining what his faith is. If he do not subscribe they still keep up the bond of union, because non-subscription is not of vital import, provided there be a profession of the doctrines. I shall not, therefore, follow the argument as to the subscription to creeds ; no subscription is required by this deed. But after all, whatever be the extent of the professed liberality of any church, it comes back to the same point. Take the Unitarians ; they have their schools, and they tell their Unitarian scholars, ' You are to take the Bible, the whole Bible, and nothing but the Bible. We leave you to seek the truth for yourselves, act fairly, form your own opinions, we will take care to give you the best instruction, and endeavour to lead you to the true light.' But what is the result, if, in the course of the inquiry, the student, however sincerely he embraces opinions inconsistent with their own ? suppose he goes wrong according to their views, and that his opinions settle in the full belief of the Deity of Christ and of the Trinity ? If he do not go out of their communion, they must turn him out ; he is no longer a

member of their communion ; he is, of course, at liberty to come to the conclusion at which he has arrived, but he cannot remain in their school if he professes those opinions. No one expects that the Unitarian Society would educate a Trinitarian minister.

MR HOLMES.—We would not exclude Trinitarian ministers from our society ; we grant them licenses as well as Unitarians.

LORD CHANCELLOR.—Here you cannot help it ; but I am speaking of Unitarians out of this deed, I speak of religious communities generally. With all the professions and exercise of liberality that man can extend to his fellow man, the moment a vital difference arises, that moment there must be a separation, creed or no creed, subscription or non-subscription. The same congregation could not tolerate one minister preaching one doctrine one day, and another minister the opposite one the next. But this is not material to the decision of this case, and I shall advert to it no further.

There is a preliminary observation which I ought to make, that the framers of this deed were conscious that the whole of it was illegal, according to the then existing state of the law. The clause which relates to future donations shews their sense of its illegality. By the then statute law, there was no exception which enabled any Protestant Dissenting body to legally exercise their functions. Now, although by subsequent legislation all difficulties in the way of Dissenters (I say nothing as to the common law in its operation on Unitarians) have been removed, yet a question arises whether the court can now execute a trust which, at its creation, was illegal. [His Lordship then referred to *Bradshaw v. Tasker*, 2 Mylne and Keen, 221, with reference to a charity for Romanists decided by Lord Brougham, and intimated a doubt whether it was rightly decided.] But if, as in this case, the court finds in the possession of a body a fund which they have enjoyed for a century and a half, although by the law as it stood when the trust was created, they were not entitled to hold it, but the disability to hold is by law removed, and there is no adverse claimant, I think the court is warranted in executing the trust, although unless the case of *Bradshaw v. Tasker* be an authority, I should feel great difficulty in saying that property which never had been acquired by a Roman Catholic body, and which they could not have held before the passing of the late act, 2 and 3 Wm. IV., could pass to them by its retrospective operation ; for if this be so, where is the right to stop ? Is the limit to be the statute of limitations ? But I am relieved from this difficulty on the ground which I have stated.

I have been told that if the parties meant to exclude Unitarians they should have put a proviso in the deed to that effect, and that as they did not, they intended the trust for the benefit of Protestant

Dissenters generally. But I rather think that the argument is the other way. If one denomination or sect be excluded, you must define the precise objects for whose benefit you create the trust. Now, the founders did not want to define. If they had excluded Unitarians by express words, they must have gone on to say whether Baptists, Quakers, &c., were meant to be included or excluded.

I come now to consider what evidence I have of the meaning of the words 'Christian,' and 'Protestant Dissenter,' at the time of the execution of this deed. I shall not travel out of what I find in the document before me, the first volume of Mr Emlyn's works, containing the narrative of his life, and the proceedings against him. I take that as an historical document, and I think it furnishes me with all the light I require to enable me to put a construction on this instrument.

Now Mr Emlyn was a remarkable instance of what was the state of the law, and what were the opinions, not merely of individuals, but of the public at large, and of the Protestant Dissenters in Dublin, and of their ministers in particular, with respect to the tenets which he adopted, and that only a short time before the execution of the deed. Mr Emlyn informs us that his parents were church people, but brought him up as a Nonconformist, that he went to England, attached himself to a high family, and took out a license from a bishop, but did not subscribe the thirty-nine articles, or bind himself in any manner. . . . The result was he came over to Ireland, and became the colleague of Mr Boyse, and they went on in great amity for a considerable time, preaching in the same chapel. Their doctrine was not such as lead to any difference between them. But it appears that after some time there were certain ambiguous words used by Mr Emlyn (but never a positive declaration) which excited suspicion; and Mr Boyse and a member of his congregation waited on Mr Emlyn to ascertain whether there was any foundation for their suspicion that he had become a Unitarian. As a man of honour he felt strongly pressed by their questions, and he confessed that he was a Unitarian. The matter was brought before the other Protestant Dissenting ministers in Dublin, and he was instantly dismissed from the ministry without the slightest reference to his congregation; a circumstance which he complains of in his narrative. He then went to England, and was followed by the opposition of the Dissenting ministers of Dublin, who wrote to complain of him to those who treated him with any kindness. When he returned to Ireland he was seized, together with an edition of his book, and carried into court, and then the prosecution followed. Now all this is done by Protestant Dissenters. The whole complaint in this volume is against the conduct of Protestant Dissenters towards him, and it says, 'How much wiser it would have been to let him alone where he was without creating any scandal, than

to have arrested him as he was, and thus to have compelled him, in vindication of himself, to assert his cause.'

That was the way in which he deprecated their conduct. He states that he was tried and convicted ; that one of his own deacons was on the jury who found him guilty, an important fact, that the trial was conducted by the Dissenting ministers of the day, and that churchmen assisted in it, of which he much complains. Every word of this book proves that the Protestant Dissenters of the day were opposed to Unitarian doctrines, that they instantly thrust out as no longer fit to be a member of their body, a person who had not preached the Unitarian doctrine, because that was not asserted, but who had simply entertained an opinion unfavourable to the Deity of the Saviour, and they never afterwards became reconciled to him. It would be difficult to deny that the Protestant Dissenters were a settled and recognized body of ministers, having at that time several places of worship in Dublin, and that they and their congregations were altogether opposed to Unitarian doctrines. Mr Emlyn was found guilty, and received a very severe punishment. I am not called upon to give any opinion whether that prosecution was right or wrong ; but it proves this, which is of great importance, that as the law was then administered, it was blasphemy to deny the Divinity of Christ ; and Mr Emlyn was accordingly convicted of blasphemy in the Queen's Bench on that ground, and suffered a long imprisonment, and a fine of considerable amount. I know this as matter of fact in this cause. Mr Emlyn had not spoken with irreverence of Christ ; his was a candid inquiry, and he could not be convicted on that ground, but his defence was inadmissible by law, and he was convicted. We find that Protestant Dissenters in general rejected his doctrines with horror. Mr Emlyn says that no one, except the person who came with Mr Boyse, ever suspected him of entertaining them ; but that did not save him from immediate expulsion from the ministry of Protestant Dissenters.

If, therefore, we find the opinions of Protestant Dissenters concurring with the law, that they are the persons who put this law into execution, and call for that powerful condemnation which was inflicted on this poor man, I think it impossible to deny, that shortly before the execution of this deed, Protestant Dissenters were understood to mean a body of men who believed in the divinity of Christ, and in the Trinity, and that whether they subscribed or not. The ministers of Dublin are attacked by Emlyn for their violent conduct towards him, and here is an extract : 'The Dissenters having started the game, the church party presently joined them in pursuing it with heat and violence, and hallooed the secular power to exert all its force in running him down and worrying him. The Dissenters on the Grand Jury were eager for making a presentment of the book, and one of them, to make sure work

of it, was not contented with that, but went directly for the Chief Justice's warrant, by virtue of which he seized the author and impression.' So that these Dissenters were his most deadly enemies. There is a passage contained in a letter dated July, 1704, addressed to a friend, in which he thus speaks to the same effect. 'They used (says he) the most exasperating language to render me odious. Mr Boyse, I believe, is not pleased with what some have done, and is ready to act for my relief, whom I have sometimes seen (though I think but once for near half a year past) in my imprisonment; but as to all the other ministers with whom I lived above eleven years in brotherhood, as they never once were at the pains to discourse me, (excepting when I met them on the first discovery of my judgment), so I never found the least remains of charity or humanity from them. I never had one visit from any of them; nay, they do what they can to hinder others from that little instance of charity itself.'

Now as to the extent of alleged Unitarian doctrine among the people, he says, 'There are several honest-hearted, plain people, of the lower rank, who express much more of Christian charity than their teachers, and would still be friendly, but for any of the fashionable people (who must be modish) there are not two that I remember, from whom I have had either a visit or a kind message, or any sort of friendly respect, any more than if I had turned a common robber or murderer, whatever intimacy I had with them before. I write not this under the heat of passion, which may well be cooled by thirteen months' imprisonment, nor had I wrote at all, but that you are pleased to inquire of me about it. I should not charge so much on the Dissenters here in general, but that the most forward actors against me are still countenanced as rulers and officers in their churches, which shews the general sense of their churches to be that persecution is no scandalous crime, since the promoters of it are men of the highest esteem and place with them.'

I quote this to show what the opinions of the Protestant interest was, and of the Protestant Dissenting ministers in particular, with reference to this matter, and to shew it out of Emlyn's own book. There is a narrative of the proceeding against him, showing how he became a Unitarian. The first passage in the chapter is very important on this question: 'I had been a preacher in Dublin (together with Mr Boyse) for eleven years to a congregation of Protestant Dissenters.' He then tells you how he came to alter his opinions, and he details the difficulties he laboured under, which terminated in his change of sentiment. He adds, 'I was ever careful not to speak against my own judgment, or what should appear so to a judicious hearer, that I might not act against Christian sincerity; and yet I never confronted the opinions of others by an express or unhandsome opposition.' I use his words for

the purpose of showing that for eleven years he belonged to a congregation of Protestant Dissenters, and during that time he believed or professed to believe, or did not make any other profession, than a belief in the divinity of Christ. The moment he was understood to entertain a contrary opinion, though he did not express it so as to be generally perceived, he was excluded from that congregation of Protestant Dissenters. Can I have a more powerful exposition of what were the opinions of Protestant Dissenters, and of the ministers who provided over them at that time? I stated that he was followed to England by the hostility of his opponents. He says, 'When I came to London I found some with whom I could be admitted to converse with more candour and charity, of which the Dublin ministers having the knowledge, they were so offended at it as to write to some at London, blaming them, as I heard, for such friendly carriage towards one who differed from them in such great points; so hot was their zeal that they seemed to envy me these small remains of friendship in another land, whither they had driven me, and still pursued me.' And there again you see the Dublin ministers acting as a body against him. He says he thought it necessary to defend himself, and he wrote his 'Humble Enquiry.' He says also, 'In this indictment I was charged with some expressions that were not at all in the book, nor according to my sentiments; and yet that careless Grand Jury, who ought, in conscience, to have compared the indictment with my book, returned it to be a true bill; among other Dissenters one of my own deacons was of this jury.' He then gives an account of what passed on his trial. He seems to have been used with some hardship I admit; and in a subsequent page he says, speaking of other bodies: 'But as to the Dissenters, it looked worse in them to promote and encourage persecution, when themselves were but connived at, having no legal toleration in Ireland.' He expresses that in a very powerful passage. I read it only to show that the Dissenters as a body were persecuting him, and were opposed to him in his doctrine. The appendix to the narrative refers to a pamphlet written by Mr Boyse, entitled, 'The Dublin Ministers' Account (drawn up by Mr Boyse, in their name,) intitled, The difference between Mr E. and the Dissenting Ministers of Dublin truly represented,' so that there you have the Dissenting ministers, as a body, opposed to him in a printed controversy giving an account of the grounds on which they differ from him. They say, 'It was not till after such apparent and repeated grounds of suspicion as these that he was obliged to declare his judgment on this important point, and in such circumstances the said ministers think there was very just reason to put him upon it, to prevent the danger of the people's being perverted from the common faith.' Thus I find the object was to preserve the common faith, and if I ask what that common faith was, I

am here told it was that, the disbelief of which excluded Mr Emlyn. 'But they (these ministers of Dublin) cannot think any judicious Christian will arraign either their prudence or their charity, for discountenancing a doctrine which strikes so deep, they think, at the foundation of Christianity. Nor do they see wherein they could have expressed more tenderness to Mr E. than they did in consistency with their own judgment, and the zeal they ought to express in defending the faith once delivered to the saints, and in which they have the concurrence of almost all that bear the Christian name; and they are confident that no pastors in any of the reformed churches would, in the like circumstances, have acted otherwise than they have done. They express their regret and grief at being obliged to disown him, but they look upon the denial of the divinity of our blessed Saviour to be a doctrine of too dangerous a consequence to be tolerated among them.' Emlyn himself observes that 'it appears their judgment in the case is, that the not assenting to the Supreme Deity of Jesus Christ is such a crime, that no one suspected thereof, and who, upon their demand, will not profess it in other words than those of the Holy Scriptures, is to be allowed to preach, or so much as to be tolerated among them.'

I do not think it necessary to read any more of these extracts: the books entirely satisfy my mind that when a deed speaks of Christians in a general sense at that period, it means those who believed in the divinity of Christ; that when it speaks of Protestant ministers, it means those who professed Trinitarian doctrine; and when it speaks of Protestant congregations, it means those who attend a ministry professing that doctrine.

Supposing this to be generally true, let me now consider how this case stands in particular. I may just refer to what has been given in evidence of the prosecutions in general, which had been carried on against Protestant Dissenters, and to these the Lord-Lieutenant, in his speech to the House of Lords in 1709, alludes, and more particularly to that one which has been adverted to as having recently occurred. He says: 'I am directed to declare to you as her Majesty's fixed resolution, that as her Majesty will always maintain and support the church as by law established, so it is her royal will and intention that the Dissenters shall not be persecuted or molested in the exercise of their religion.' These are the recent prosecutions that are referred to in the trust deed, and not the prosecution of Emlyn, to which the words could in no respect apply, as that prosecution was actually set on foot by the Presbyterians of that day.

Before I come to the deed itself, I would call attention to the original prospectus for the formation of the fund, proved by the defendants, which shows what the intention of the founders was, and it is received



in evidence, not merely because it has been proved by the defendants but because it shows what the grounds of the subscription were. It commences thus: 'A proposal having been made to raise a fund for following uses, viz., the defending the common interest of Protestant Dissenters against unreasonable prosecutions.' Now I think from what I have just read that the common interest of Protestant Dissenters must refer to that body of Protestant Dissenters, who excluded Mr Emlyn from their communion, on the ground of his being a Unitarian. Could then, the subscribers to this fund, call Mr Emlyn's prosecution an unreasonable one, when it was carried on by their own body? But there were other prosecutions which they did deem unreasonable, and which the Crown had declared should not be continued. This subscription was intended for the protection of the common body of Protestant Dissenters against such prosecutions.

The second object in this prospectus is, 'The supporting of the ministers in the South of Ireland, whose maintenance from their congregations is insufficient.' How very important this clause is! Has there been the slightest evidence given, or could any be given, of the existence of any Unitarian congregation in the South of Ireland? No evidence is given that any such congregation existed in the south; on the contrary, if you look at the prosecution of Emlyn, as narrated in his own book, you will find that he stood alone, and this language is not figurative, it is literally true. He tells you all the world deserted him, that he went to a foreign land, and that he was pursued by those who had driven him from Ireland, and he did stand alone. Then there was not, in point of fact, any congregation answering to the description of these persons who desire to be included in this trust.

The prospectus proceeds to another of the objects, namely, 'for the education of youth for the ministry among Protestant Dissenters.' I think I am entitled to say, as a matter of history, that there was then no ministry among that body who are now called Unitarians. There is not the slightest trace of any existing ministry at the time of the deed for the propagation of Unitarian doctrine; but there is abundant evidence to shew that there were many congregations of Protestant Dissenters who excluded Unitarians, and therefore I think that all the three objects in this preparatory document, point clearly and undeniably to the Protestant Dissenters as a body existing at that time, amongst whom you would not find a single professed Unitarian. The prospectus further states that many ministers in the country labour 'under very sinking discouragements through the paucity of those that make up their congregations, so that they call for much larger assistance than we can give them. There are several places where congregations might be erected, were there a fund to subsist such ministers as might

be sent amongst them, and 'tis the noblest instance of charity to provide for such destitute souls faithful stewards to dispense to them the bread of life,' and towards the end of this document this passage occurs, 'what is given to such a fund may be eminently serviceable to uphold the interest of uncorrupted Christianity (and such we reckon that of Protestant Dissenters to be) in this age, and to transmit it to the succeeding one. The light of the gospel may be spread thereby to many dark corners of this land,' &c. That fits exactly with the deed, and I cannot doubt that these passages point to congregations and ministers who preach the divinity of Christ. Again, I cannot think (for I am forced to look at the first parts of this document) that the subscribers to this fund would have admitted that a subscription to Emlyn's ministry would have upheld the interests of uncorrupted Christianity, because they considered (whether rightly or wrongly it is not my province to inquire) that Unitarian opinions were a corruption of Christianity. Then follows an important passage: 'All possible precaution will be used to secure the application of this fund to the uses for which it is designed, which may be in a great measure judged of by the scheme that is herewith laid before you; the remote suspicion or a bare possibility of this fund falling into other hands or being misapplied, should not discourage any pious donors, and the wisest of men has cautioned us against delaying our present duty from a bare suspicion about future events by telling us 'that he that observeth the winds shall not sow, and he that regardeth the clouds shall not reap.' If what is thus barely possible should ever happen, after the best precautions used, it will not lessen the present acceptance or future reward of the pious donors.' I think this whole passage shows how much reliance they placed upon the nomination of particular persons to be trustees. They say, 'do not be apprehensive of this fund being perverted from its purpose, for we will use all human means to keep the funds in the right channel.' They proceed thus, 'a trust must be reposed somewhere, in all charitable gifts, and no donor can easily propose greater security from the honesty and fidelity of the trustees than what this scheme affords.'

This document is a powerful one in aid of the construction of this instrument. It is admitted that all the parties who signed this instrument were Protestant Dissenters, and that they professed the doctrine of the Trinity; that is not denied; it is almost admitted by the answer of the defendants, and it is proved by the evidence before me. It is certainly proved that some subscribed the Westminster Confession, and some did not subscribe it; but that is not made a qualification by the deed itself, nor is it put forward in this information as a ground upon what the court is called to act, and that, therefore, is not necessary to bring a man within this trust.

Considering further that this deed is dealing with existing congregations, and that I find certain established places of worship existing at the time of the deed which belonged to Presbyterian congregations, and were presided over by Presbyterian ministers, who professed a belief in the deity of Christ, and who also believed in the Trinity, as the church believes, I must suppose that the parties are going to provide for the congregations to which they belong, if such congregations answered the description in the deed; I cannot suppose, I cannot be so irrational as to believe, that this trust includes Unitarians; I must put a construction on the words of the deed that will be consistent with every thing within the four corners of it.

The deed commences with these words: 'Whereas from a pious disposition and concern for the interest of our Lord Jesus Christ, and the welfare of precious souls, Sir Arthur Langford, Bart., and Joseph Damer, Esq., with divers other well-disposed Christians, have designed and intended to set on foot a stock or fund for the support of religion,' and so on. They must not merely be Christians, but well-disposed Christians. All these terms accord with the history of the times; the foundations then on foot; the nature of the doctrines taught there, everything that is proved in this cause; everything proves to demonstration that the persons spoken of are not the body who now call themselves Unitarians; and I must say, when you are speaking of the legal description, which will include Unitarians as Christians, the very circumstance that it is necessary to put a prefix to the name to distinguish them, that you must call them Unitarian Christians, (I am not considering whether or not they are Christians, that is not my duty), inasmuch as they differ from the great body of Christians, from the church, and from the body of Dissenters, confirms my impression that Unitarians are not included in the trust. If that would be so now, what must it have been then? There was then no Unitarian minister, no church, no chapel, no place of resort for religious worship by Unitarians as such; Emlyn stood alone, he may be represented as himself the Unitarian interest of Ireland. This statement is not mine; I give it on the authority of one of the great lights among the Unitarians, Dr. Drummond, who states, in the discourse which has been referred to in the course of the argument, that 'Emlyn stood alone,' and that is the true description. Then what is it that they designed to do? They did not intend to provide for Unitarians; the design was the support of religion, as it then existed in Ireland, the deed speaking of Protestant Dissenters as they existed in Ireland when the Unitarian doctrine was not preached. I cannot help thinking that nothing could be more inconsistent than for either a Trinitarian or a Unitarian to provide a fund for Unitarian and Trinitarian purposes. If the one is believed to be true, the other must be

considered false. I can understand a churchman liberally supporting dissent ; but it does appear inconsistent for a person who believes in the Trinity to support Unitarianism. Nothing but the clear intention would induce me to put a construction on the deed to meet the view, that the same persons joined to create a fund for the support of two such opposite, distinct, conflicting, and irreconcilable systems.

There is a farther object mentioned in the deed, and that object is for the support of religion by 'assisting poor congregations and protecting them against unreasonable prosecutions.' This I have already explained.

The deed proceeds to another object, namely, 'the education of youth designed for the ministry among Protestant Dissenters.' If it depended on these words alone, I should have no difficulty in deciding the case. I ask at that period what was the ministry among Protestant Dissenters? We are speaking now about Presbyterians. I am not called upon to make a declaration upon the subject, but I think it clearly appears from this document, that this trust was intended for the benefit of Presbyterians. But what was the ministry among Protestant Dissenters? The expression is not the 'ministries,' there was but one ministry among Presbyterians at that time, and that was a ministry of Protestant Dissenters, altogether disavowing and excluding Unitarians, and therefore these words, if they stood alone, would carry with them a weight, which would almost satisfy my mind as to the objects of the trust.

The deed goes on to speak of assisting and supporting poor Protestant Dissenting congregations. I have already shown that there were no Protestant Dissenting congregations then existing, except those who professed a belief in Trinitarian doctrine. There is not a trace of a single Protestant congregation which entertained Unitarian opinions.

There is a passage in the deed that was referred to by one of the counsel for the relators, which I consider of great importance. After stating that it was intended for assisting poor Protestant Dissenting congregations it further adds, 'and for such other pious and religious ends, and by such means as shall by the subscribers hereunto be thought proper and reasonable for promoting the design and intention herein expressed.' Now I think I am bound to consider who are the persons to whom this trust was confined, [confided] and who are qualified to execute it. The prospectus states, 'We will do all that is in human power to take care that the purposes of the subscriptions shall not be defeated. We will provide trustees in whom you shall have confidence.' Well, they give power to the trustees for the purposes in the deed expressed, (all of which excludes Unitarians), they give them power to appropriate the funds for such other pious and religious uses as shall

by the subscribers be thought proper for carrying out the design and intention therein expressed. Now is it possible or probable that they could have entertained any intention in favour of Unitarian doctrine? Is that consistent with the uses before expressed? Directly the contrary; these other uses then must not be in opposition to the leading objects of the deed, but they must come in aid of these objects.

Then they say that 'a book shall be kept for the entry of their proceedings,' and, it seems best to place the great security of the present undertaking, next to the blessing and protection of God, upon the faithfulness and integrity of the persons therein named to be trustees; now I beg attention to what follows, 'being the ministers of the several Dissenting Protestant congregations associated in Dublin, and two of each of their congregations.' From this clause I find that there were then existing Dissenting Protestant congregations in Dublin. These were the congregations intended to be entrusted with the management; their existing ministers are selected as trustees, and they are to select two of their elders as trustees also. I am compelled then to ask what were these Protestant Dissenting congregations that are referred to? The answer has been already made that they were all congregations professing a belief in the divinity of Christ and the Trinity. It is impossible I can hold a Unitarian to come within these trusts. There were then neither ministers to preach, nor congregations to whom to preach, nor places of worship in which to preach these doctrines. This deed refers to the existing foundations, and from them a person entertaining such opinions was first actually expelled, and then prosecuted.

There is little else to observe on in this deed. The eighth article states: 'Whereas the present members herein named are the ministers of the several Protestant Dissenting congregations associated at present in Dublin, and two out of each of their said congregations, nominated by the said several respective ministers, a succession of whom, it is hereby designed and intended, should be the constituent members or trustees for the uses herein mentioned, together with such other ministers as may be chosen to the pastoral charge of the said congregations.' Here again, you see that this deed relates to existing foundations, which were Trinitarian. Then there is that clause that is intended to avoid the existing law; and they wind up with a solemn dedication of themselves to the execution of the trust, which I think, as well as other expressions that occur, show what was their religious belief at that time, and that it was Trinitarian.

My opinion, therefore, and I must say my very clear opinion, without troubling myself with points that belong not to this case, is, that I am entitled to read such evidence as I have resorted to; and in receiv-

ing such evidence I keep within the rule of law which the appellants' counsel admitted was a just rule to govern the case of Lady Hewley's charities ; I have not had resort to any evidence which was objected to in that case. I have only received the evidence which tells me what the foundations were ; what the word 'Christian' meant ; what the terms 'Protestant Dissenters' and 'Protestant Ministers' signified at that time ; which enables me to judge of the expressions of the deed as they appear on the face of it, and to give to those expressions their easy and natural import. I neither cut them down in legal expression or in moral sense, nor do I add to them. I take not from them any vitality the framers of the deed intended to give to them ; I do not vary, but I give to them their full meaning as I find it expressed on the deed, and in a manner consistent with the intention of the donors. If I am entitled to evidence to this extent (of which I have no doubt) I have satisfied myself, I have satisfied my own conscience, that according to the evidence this trust is one which excludes Unitarians altogether from participating in it. The case lies within the smallest possible compass. I steer clear of every thing with which I have nothing to do ; I do not say a single word concerning what has fallen from Mr Holmes in his able argument, to which no man has a right to object, whatever be his creed, not a word fell from him that any man could find fault with. But my province is only to decide on legal points.

I do not now make a final decree in the case, because there are some points standing for the decision of the House of Lords. There would be an apparent want of respect to that high tribunal if I did so ; and it might not be altogether as satisfactory to the parties themselves. It is upon these grounds alone, and not from any difficulty, that I do not finally dispose of the case. It is my opinion that nothing can happen in that case likely to interfere with, or affect my decision in this. I have steered clear of the difficulties about parol evidence, and I think this case can derive no aid from any decision on the appeal in Lady Hewley's case ; but as I have already observed, it may be more desirable for the parties, and more respectful to the House of Lords, to wait till the decision in that case is pronounced ; but unless something of which I am not now aware shall occur, this will be my final decree : That those who profess to be Unitarians are not entitled to the benefit of, or to participate in, the trust of this instrument. I shall say nothing at present about removing the trustees. I cannot think that any great mischief can arise in allowing things to remain for a short time as they have remained for many years. There ought to be no haste. I will not stop the working of the charitable trusts, which have been so long in operation, but when parties inform me that the House of Lords have come to a decision, I will address myself to the consideration of this point, and finally dispose of the case.

On the 26th of November the Chancellor disposed of the case with these remarks : It seems to be admitted that one set of the trustees, those who are Trinitarians, are to have their costs. But it is contended that the Unitarian trustees are not entitled to costs. However it appears to me that it would be somewhat difficult to draw any distinction between them. How can I separate them ? Am I now to inquire in what manner every particular trustee voted ? They all joined in the distribution of the fund in a manner which the court has pronounced to be a breach of trust. However I do not think that I ought to refuse the trustees their costs in the present case. There is no pretence for saying that they were influenced by any improper motives ; nor has there been any attempt either at the former hearing or upon the present occasion to cast any imputation upon them. The endowment was a very early one, and an opinion prevailed that the trust was general, and included all dissenting bodies, both Trinitarian and Unitarian. The sole question in the case was whether persons professing Unitarian doctrines were entitled to participate in the trusts of the deed of May, 1710. I have already declared my opinion to be that Unitarians were not within the benefit of the trust, and that a breach of trust has consequently been committed. No doubt the general rule is as it has been stated to be, that a trustee who acts wrongly, and against whom there has been a decision, is not entitled to costs. But it can hardly be said that the rule applies to a case of this nature, where for more than a century the funds have been applied in a manner in which the parties are now found fault with for having so applied them. I should treat the present trustees with great hardship if I were now to decide that they were not entitled to their costs, when all their predecessors have escaped. The case is different from that of private trustees, where each must suffer for the consequences of his own mistake. Here there has been a succession of trustees, and were I to refuse the present trustees their costs, it would be, in fact, to visit upon them individually the error of their predecessors. Again, although I always entertained a very decided opinion on the question, yet I cannot venture to say that there was no doubt in the case, or that there was no foundation for the view taken by the trustees. Besides, there has not been an exclusive misapplication of the fund, for in part the fund has been properly applied, and so far the trustees were right. My opinion, therefore, is, that under the circumstances of the case, and after such a lapse of time, the trustees ought to have their costs out of the fund. The present trustees are to be removed, and it must be referred to the master to appoint new trustees in their room. I intend to follow the terms of the decree in *Lady Hewley's case* precisely. The account must go from the filing of the information. With respect to any payments which have been made

since that period to ministers or students, in fact the ordinary expenditures incurred in the management of the trust fund, I do not mean that they shall be disturbed. The £100 per annum which has been hitherto paid to the ministers of the Strand Street Chapel is not to be taken into the account, as I understand that an information has been filed respecting that fund. The decree must therefore contain a reservation as to that part of the trust fund.

On a motion that the master might be directed to tax the defendants' costs as between solicitor and client, the Chancellor said: That under the general order the taxation would go very much upon that principle, and that if a special direction were now given, the master would think that in order to carry out that direction he was required to allow extravagant charges. That though in this case he had allowed the trustees their costs, yet that it was not to be considered as a precedent in every case. The question upon the trust was now decided, and if in a like case the trustees intended to come in and oppose a similar information, they should do so upon their own responsibility.

The Chancellor's remarks on this case are taken from the first and third volumes of Drury and Warren's Reports. There was an appeal to the House of Lords which was persevered in, notwithstanding the decision in the Hewley case, and the reasons for appeal were stated thus:

1. Because the trusts or purposes in question were, so far as they were charitable, altogether illegal at the time of their constitution, and inasmuch as the purposes, though illegal, were of a charitable nature, the decree ought to have directed the application of the trust funds or property to such purposes of charity as the Crown by Sign Manual should appoint.

2. Because if the long enjoyment be a ground for waiving the original illegality of the trust, (which seems to have been the view of the court below), the usage during that long enjoyment, and not the original illegal intention, must be looked to in order to determine the objects of the trust.

3. Because the decree proceeded upon evidence not properly receivable in the cause.

4. Because even if the evidence objected to be received, it does not warrant the conclusions which were drawn from it, and which led to the exclusion of persons professing Unitarian doctrines from the benefits of the trust, inasmuch as:

1. The motive for accumulating the trust fund in question, and the first object of the fund, was the protection of the civil rights of all Protestant Dissenters, without reference to doctrine, against attacks by Episcopalians.



2. That the advancement of Protestant dissent by other means than such protection, was a subordinate object of the trust, to which the surplus of the fund was to be applied; and that in this subordinate object there was no sectarian intent; and that the introduction now of any doctrinal exclusion would be a perversion of the founders' intent.

3. If a sectarian intent is to be implied on the part of those who created the fund in favour of their own body, the appellants belong to and represent that body.

And as to so much of the decree as removed those trustees who do not profess Unitarian opinions, the appellants also submit that the same ought to be varied, for the following reason:

Because no disqualification for the office of trustees was proved against them, nor any imputation made of any wilful misapplication of the trust fund.

C. AUSTIN,  
JOHN ROLT.

The statement at p. 435 as to the answers of the defendants is not exactly correct; three were put in, by the heterodox trustees, by the Usher Quay trustees, and by the Mary Abbey trustees; but these last appeared at the hearing by the same counsel as the heterodox. The two answers of the orthodox trustees were alike, and admitted the statements of the bill.

The appeal was heard by the Lords on the 24th and 28th of February, and the 2nd, 6th, and 7th of March, 1848, and was dismissed on the 31st of July, 1849. The principles laid down by the inferior court were then a second time upheld by the Lords, although they had in the meantime passed the Limitation of Suits for Dissenters' Chapels Bill. The illegality of the original foundation of the General Fund was fully pressed by the defendants' counsel, but the decision was that the defendants could not raise the point in that suit. This defence, if successful, would have placed the fund at the disposal of the Crown, but there would have been no danger of any administration devoting it to the purposes of the Establishment; whether it would have been wholly given to Trinitarians is more doubtful: had the Whigs been in power Lord Cottenham would have prevented that, while the Synod of Ulster would no doubt have prevailed with a Tory government.

A second information was filed by the same relators against the trustees connected with Mary's Abbey, alleging that "among

Protestant Dissenters the question of subscription or non-subscription to creeds or confessions of faith, has ever been considered as one of paramount importance, and that all the original trustees and donors of this charity strenuously resisted any such rule of subscription as unscriptural ;" and praying "that it may be declared that ministers, preachers, or members of any congregation belonging to any presbytery, synod, assembly, or other ecclesiastical association which requires subscription to the Westminster Confession or other formulary, and is what is commonly called a subscribing body, are not fit objects of the said charity," and that the trustees connected with Mary's Abbey might be removed.

When the cause came on for hearing, Mr Matthews, the chief relator, had left the country, and as no one else had taken up the second information, it fell to the ground.

The benefit of the fund was by the foundation confined to Dublin and the South of Ireland ; but the union of orthodox and heterodox in the Synod of Munster being now at an end by the retirement of the orthodox, all the Southern congregations must, sooner or later to remain Presbyterian, join the Synod of Ulster. Thus the whole fund will go to subscribers, in opposition to the founders' opinion and intention.

The Independents, as Protestant Dissenters and non-subscribers, came forward to claim a right to nominate some of the trustees, but it was rejected, on the ground that the founders were Presbyterians. It is believed there is no record of the argument and decision in print, or it would be given, and it cannot therefore be stated here whether or not it was proved that New Row congregation were originally Independents, or that Dr. Thomas Harrison, who was minister of Cook Street at the date of the foundation, was an Independent. Dr. Reid, who was one of the plaintiffs' witnesses in the first suit, states that "the Dublin ministers were mostly English Dissenters ; their so-called presbytery was merely a consultation meeting ; their ecclesiastical views were Congregational rather than Presbyterian." 3 Vol., 237. In a note in the text he says they were in all essential points Independents.

Mr Mathews's leaving the country having been mentioned, it is but justice to him to say that those who knew him best considered him more sinned against than sinning. Up to 1844 the charges against him seem to have been that he had taken a seat at Eustace Street Chapel, and expressed his pleasure at the man-

ner in which the services were conducted there, and yet sought to wrest the place from the congregation. As to his leaving Ireland, it is evident that a government clerk having made himself obnoxious to a party who had great influence at Dublin Castle, even when the Tories whom they had always opposed were in power, would be sure sooner or later to find it necessary to give up his place, and after that would be unlikely to remain in Ireland.

The last suit which has to be detailed is the Attorney-General v. Hutton. The information, which was filed on the 1st October 1842, related to the chapel in Eustace Street Dublin. The congregation had originally occupied a chapel in New Row, which was built in 1688, and on the lease expiring removed in 1728 to Eustace Street. It always had two ministers, or, in the Scotch phrase, was collegiate.

The succession of the ministers were: 1668 Dr. Samuel Winter; Timothy Taylor; 1682 Nathaniel Weld; 1732 Isaac Weld, D.D.; 1778 Philip Taylor; 1828 James Martineau; 1832 James Crawford Ledlie, D.D.; 1668 Samuel Mather; 1671 Nathaniel Mather; 1687 John Hemmingway; 1706 John Leland; 1767 Samuel Thomas; 1786 Joseph Hutton.

So that the chapel in Eustace Street was built in the time of Nathaniel Weld and Dr. Leland.

By indenture of 10th February, 1718-19, between Joseph Damer, Esq., of the first part, the Rev. Nathaniel Weld, Joseph Marriott and Nathaniel Kane of the second part, and John Damer of the third part, £1700 contributed by Joseph Damer was settled, £200 towards building a new chapel for this congregation, and £1500 for investment and application of the income in the support of a charity school for boys in Dublin, and in payment of £20 a year to the ministers of the congregation, and the residue in apprenticing poor boys, and supporting poor widows, inhabitants of Dublin, or such other pious uses as the trustees should think fit.

The trust deed of the chapel was dated 18th July, 1725, and was a conveyance by Joseph Damer to Nathaniel Weld and Joseph Marriott upon trusts not stated. It included other houses and buildings, and the sum of £1700 settled by the indenture of 1718-19 having been invested in the purchase, the rents of those other premises were called the Damer Fund. The ministers of the chapel and two other persons were trustees of the Chapel endowment and the Damer fund at the filing of the information.

There were many subsequent endowments. The Lowton Fund consisted of buildings and land in Clothworker's Square, and £1800 for investment in land, all left by his will to three trustees. By a letter of instructions to the trustees the rents of the land to be purchased were to be applied "to assist in supporting and maintaining a gospel minister or ministers of the Presbyterian persuasion to preach the gospel to the Presbyterian congregation whereof he was a member, usually meeting for divine worship in Eustace Street Dublin, and to instruct them and their successors for ever in the true principles of the Christian religion." This donor earnestly besought his trustees "to discharge their trust, as became Christians and lovers of Christ and his church." The rents of the Clothworker's Square premises were directed to be applied for setting up in business boys belonging to the charity school of the congregation.

The Male Charity School fund was established about 1718, and consisted of £2,550 in the funds, and payments by Nathaniel Johnstone's trust, and Mrs Singleton's trust.

The female school fund consisted of the proceeds of lands in the county of Wexford and the city of Dublin, devised by Hannah Singleton, by will of 23rd May 1780, "for the support and education of such poor girls as should belong to the Dissenting Congregation of Eustace Street, in the city of Dublin." Isaac Weld and John Leland Maquay were the first trustees for the charity.

The Marriage Portion Fund was the interest of a Ballast Office Debenture, bequeathed by Leland Maquay to his nephew John Leland Maquay before mentioned, for "giving such marriage portions as the fund might allow to such poor girls brought up in the Eustace Street Female School, as might marry Protestants of good character, and of whose, as well as their own, Protestant descent there should be no doubt."

The Widows' Almshouse Fund was the rents of three houses in Cook Street, devised to the officers of the meeting-house in Eustace Street, and their successors for ever, to be filled with such poor widows as they should think proper. This fund was increased by several gifts, the last bequeathed by Anne Crosthwaite in 1827, and consisted of £640 government stock.

Johnstone's Trust related to legacies by Nathaniel Johnstone or Bourdeaux in 1796, of £100 for the Boys' Charity School, and

£100 for the use of the ministers of the Eustace Street congregation for the time being. This had become £340 bank stock.

Singleton's Trust was of £300, bequeathed by Hannah Singleton, for application in thirds, for the minister of the Eustace Street congregation, the widows of Presbyterian clergymen of the Southern Association, and the Boys School connected with the Eustace Street meeting-house.

Maurice's Fund was £100 bequeathed by Mary Maurice, by will dated the 14th April 1807, towards forming a fund for building a meeting-house for the Presbyterian congregation of Eustace Street, or re-building the present one; but if within twenty years from the death of her sister, to whom she had bequeathed a life interest in the fund, it should not be disposed of, the executors were directed to apply it as they thought best for the benefit of the congregation. By deed of 1830, it was declared that the fund, then £260 18 9 government stock, should accumulate until a minister of the Presbyterian congregation worshipping in Eustace Street should leave a widow, and then the income be paid to such widow, or such widows equally, during widowhood.

In 1825 Miss Crosthwaite, step-granddaughter of Dr. Leland, and his pupil, (she lived to the age of eighty-seven,) bequeathed "to the fund for the support of public worship in Eustace Street meeting house £100 Irish, because I believe that it is a matter of high importance to the cause of religious truth and liberty, that the principles on which the congregation of Eustace Street was founded should not be suffered to decline; and that if they were strictly adhered to, many of the difficulties that are supposed to attend the study of theology would be removed; for they declare for the right of private judgment in matters of religion, maintaining that the Bible alone, without note or comment, is the proper rule of faith and practice for Christians. On this account Protestant Dissenters refuse their assent to articles of faith that are the dictates of fallible men." She also gave sums of £50 and £20 in increase of funds connected with the schools.

Legacies given between 1768 and 1828 had been funded as follows: For the ministers' fund two amounting to £100 and an annuity of £4; for the schools five amounting to £588 6 2 and an annuity of £4; for the almshouse two amounting to £150; for the chapel funds generally eleven amounting to £160. Three other legacies, the amounts of which are not recorded, appear to have been added to one or other fund. This plan of funding will strike

many people as most likely to attract other legacies, and to save a committee from trusting to windfalls. A congregational collection of £300 in 1786 was paid to Damer's trustees on condition of their paying £40 a year to a widow or widows of a minister or ministers of the congregation, and a like collection of £304 in 1792 was added to Mrs. Singleton's legacy for the schools.

The information filed against the trustees of all the charities stated "that the original congregations of Mary's Abbey and Plunket Street were, at a very early period, ecclesiastically connected with the Synod of Ulster, and those of New Row, Wood Street, and Cock Street, and were respectively connected with the Synod of Munster; and their ministers were united by the authority of their respective Synods, for above a century after their origin in 1665, as an associated presbytery for the preservation of their common faith. That it was the usage of the said Dublin ministers at the ordination of any newly appointed minister to any of those congregations to require a written confession or declaration of his faith fully detailed in his own words; and that unless the same contained an avowal of belief in the doctrine of the Holy Trinity, such candidate would not be admitted. That no confession or declaration of faith contrary to belief in the doctrine of the Trinity was made by any of the ministers appointed to the said New Row, afterwards Eustace Street congregation, until the admission of some of the present ministers thereof. That the founders of Damer's Fund and the chapel in Eustace Street were identical with the trustees and founders of the General Fund, (the subject of the suit Attorney-General v. Drummond), their notions and intents in both foundations were identical, exclusively to support the teaching and promulgation of those religious doctrines which include a belief in the Holy Trinity and the Deity of our Lord Jesus Christ. That the endowment of Eustace Street had for some time past been applied towards the support and propagation of Unitarian doctrines.

The answer stated, That the English form of Presbyterianism was introduced into Dublin and the South of Ireland by Henry Cromwell and his adherents. That the original five Dublin congregations with their ministers never belonged to the Scotch Presbyterians, but at their origin maintained the English form of Presbyterianism, and were distinguished by a uniform rejection of the Westminster Confession of Faith and all other creeds and articles drawn up by human authority, that the bond of congregational union and the fundamental and distinguishing principle of the members of the congregation at New Town Row, afterwards Eustace Street, did not include the profession of Trinitarianism or Unitarianism, or of any other system of speculative theological doctrine, as the fixed and invariable standard of faith; but on the contrary always

had been and still continued to consist in the rejection of all human creeds, articles, and confessions of faith, as the standard of religious doctrine, and the admission and reception of the Holy Scriptures alone as the rule of faith and practice, and the recognition of the right of private judgment, and of inquiry in all matters of scriptural interpretation. That there had been an association called the Southern Presbytery of Dublin, but it had become extinct, and that a Southern Presbytery of Dublin was formed in 1773, and always maintained a friendly connexion for temporal purposes, but not an ecclesiastical union with the presbytery of Munster; but that in the year 1809 these two presbyteries became united into one body, and then for the first time assumed the title of the Synod of Munster; and that the basis of the union so entered into at that time, was the right of private judgment in matters of religion, the rejection of all human interpretations of Scripture, the Bible alone being received as the rule of faith and practice. That the Southern Association or Synod of Munster which was originally a non-subscribing body, was not exclusively Trinitarian in its origin, the majority of the ministers and congregations which composed it at the time of its foundation in 1809 being of Anti-Trinitarian belief, and they submitted that it was inconsistent with the principle of non-subscription and the right of private judgment that any minister or congregation should be pledged by the tenure of their meeting-house or other congregational property to the continued profession of the doctrine of the Trinity, or any other peculiar interpretation of Scripture. They insisted that a considerable proportion of the properties set out in the information were vested in the defendants by persons who disbelieved the doctrine of the supreme Deity of our Lord Jesus Christ, and that He is entitled to religious worship and adoration; and they particularly assert this of Dr. John Leland: and that from 1716, the date of his appointment, that the congregation of New Row, now Eustace Street, always entertained opinions opposed to the doctrine of the Trinity as set forth in the Thirty-nine Articles and the Westminster Confession.

Passages were read from Emlyn's Narrative; Abernethy's works; Boyse's works; the Antrim Presbytery's Narrative; Dr. Samuel Clarke's Scriptural Doctrine of the Trinity; Writings and Sermons of Ministers of the Congregation; Evidence of the Opinions of Mr John Leland\*

\* With regard to Dr. Leland's opinions, it is sufficient to reprint a note by Dr. Killen, in his continuation of Dr. Reid's history of the Presbyterian Church in Ireland. "Dr. Leland had not a firm grasp of the doctrine of justification by faith alone, and hence a tone of legality pervades his sermons; but on other points he speaks with sufficient perspicacity. In a letter dated December 12th, 1720, published in the Monthly Repository, xxi, 722, he thus expresses himself on the question of special grace: 'I think it is very clear from the sacred writings that there is such a thing as special distinguishing grace given to some of the fallen human race above others in time, and that this flows from special love, and that this love was from everlasting.' His sermons bear

may, Mr. JONES, and Miss CROSWAITE, was rejected and rejected, on the authority of *Shore v. Wilson*.

LORD CHANCELLOR.—This case, which has been argued with great talent, eloquence, and zeal, has engrossed my whole attention in Court, and my consideration when out of court. It is not my intention finally to dispose of it until the first day of next term, in order that I may have an opportunity, in the mean time, of considering the various questions which arise in it: but as I entertain a strong impression upon the case, it may not be undesirable that I should now state it.

The way in which this case has been brought before the Court is by information only; and to that course of proceeding an objection has been taken. It has been made upon popular grounds; and it is said that the government and the Attorney-General are to be blamed for allowing such an information to proceed. It is not my office to justify the conduct of the government or of the Attorney-General; but I may say, that the bar very well know that the government have nothing to do with the matter; they never interfere with a duty of the sort. The Attorney-General alone is responsible: but considering that this is the case of a charity, involving a question of property, I am not prepared

equally decisive testimony to his views on the subject of the atonement. Thus he says, 'It was agreed in the councils of the divine wisdom and grace, that upon his (the Son's) performing the work assigned him, i.e., upon his taking upon him our nature, and in that nature yielding a perfect and spotless obedience and righteousness; an obedience whereby the divine law should be highly honoured, and displayed in all the majesty of its authority, and all the beauty and excellency of its precepts, and upon his also submitting for us men and for our salvation to the deepest humiliations, and the most bitter suffering, and even to a cruel and ignominious death, that he might make atonement for our sins; the merit of this, his obedience and sufferings, should be applied to all those that should return to God through him.' Sermons iv, 380, 381, ed. Lond. 1769. See also I. 250, 219, 220, 214, III. 96. In the same sermons his views of the sonship and Deity of Christ are stated with equal perspicuity. Then he gives it as his opinion that Christ is called 'the Son of God' to signify 'the ineffable and most intimate union and conjunction between the Father and him; that he is the partaker of the same divine nature, the same glorious perfections with the eternal Father, and is the brightness of his glory and the express image of his person,' iv, 89, 90. 'The infinite dignity of Christ is a phrase which he continually employs, and indicates a topic upon which he evidently delighted to expatiate. He describes our Lord as in the form of God, iv, 288, as 'God manifest in the flesh,' iv, 285, and as the 'eternal Son,' 199, iii. 112, 'in whom dwelleth all the fulness of the Godhead bodily,' iii, 112. Speaking of the things revealed in Scripture, he mentions 'the doctrines relating to the wonderful methods of our redemption and salvation through Jesus Christ, the doctrine of the holy and ever blessed Trinity, the incarnation of the Son of God, the satisfaction he hath offered for the sins of the world, the new covenant founded in his blood, his perpetual intercession for us in heaven, and the universal dominion he is invested with as Mediator,' 1, 314. Dr. Leland has been often most absurdly claimed as a Unitarian, but these testimonies, and many others which might be easily adduced, abundantly prove that he has thus been sadly misunderstood. Among the subscribers to the four volume edition of his sermons, are the Archbishops of Canterbury and Armagh, and no less than fourteen bishops of the Established Church of Ireland. His sermons were published after his death [by his colleague Isaac Weld.]



to say that the Attorney-General could do anything else than allow that question to be discussed and decided according to the rules of law. The permission to file the information in his name is not a decision on the subject by the Attorney-General ; he has no power to decide the question between the parties ; he merely authorizes his name to be used in the prosecution of the individual rights of the parties ; and in my mind, he would be greatly to blame if he had prevented the discussion of the questions in this case in a court of justice.

It is truly said, that this not being an information and bill, there is no person before the court claiming in opposition to the defendants ; that this congregation has always been unanimous ; and therefore that the present is distinguishable from other cases in that respect : but I apprehend that it will be found that this case is not distinguishable in substance, in this respect, from that of the Attorney-General v. Pearson. It is not, however, denied that this information is now properly before the court for the adjudication of the rights of the parties. Whether it is advisable or not that congregations of Protestant Dissenters, of whatever denomination, who have so long worshipped in one place, and have been led, by permission or error, to consider this property as belonging to themselves, and dedicated to the worship of God in their own peculiar way ; whether it is desirable that such a congregation should be disturbed or not, is not for me to say. It is not my duty to answer that question. I have merely to deal with a question of property, and am not called on to declare whether the doctrines entertained by the one side or the other are the true doctrines of Christianity. I have only to see whether this property, the land and the sums of money contributed to the support of the chapel, do by law belong to the defendants or not.

The first and principal question is, to whom does the chapel and the ground upon which it has been erected belong ? and as to that, the case lies within a very narrow compass. I find no fault with the amount or extent of the evidence laid before me, with so much ability and, I will add, forbearance ; but it has gone to an extent never equalled, which has arisen from this, that the defendants, desiring to shew the peculiar doctrines entertained or believed by the successive ministers of this chapel, have not been able to produce direct evidence of that which one would have thought they could have done at once, namely, the precise doctrine which has been preached by them for more than half a century. In no one instance, until of late days, has there been direct evidence given of the doctrine preached by the ministers of this chapel ; and therefore the defendants were under the necessity of resorting to the acts of the parties, to shew that this minister had communion with A, and that another minister had been recommended by B ; and I have had, at every turn, to try a new issue as to what were the religious

opinions entertained by A or B, and have been obliged to get at the religious opinions of the ministers of this chapel, not by that which they preached openly to their congregation, to whom they were bound by their office to communicate what they believed to be the true faith, but by examining into the religious opinions of others, as if the question to be tried were the religious opinions of those third persons. The result of the case, however, has been, that I do not conceive that I shall have that difficulty to contend with. In the view I have taken of it, that difficulty does not arise. I am first to consider to whom, in law, does this chapel belong. It appears that this congregation met originally at a chapel in New Row ; and it has been proved in evidence, and is, I think, incontrovertible, that that congregation resulted from Dr. Winter and some others having at a very early period been Nonconformists. It is clearly proved, it is not in fact controverted, that the founders of the chapel at New Row were Trinitarians in the sense of the Thirty-nine Articles. It is not controverted, that after Dr. Winter there was a succession of ministers in that chapel of the same persuasion. It is therefore impossible to doubt, it has been clearly proved, that the chapel at New Row was a foundation by Trinitarians. In 1702, attacks were made on Emlyn, in consequence of the Unitarian doctrine which he had imbibed and inculcated : he was deposed ; and Nathaniel Weld, a name well known among Presbyterians and Dissenters, concurred in that act. If ever there was a marked act, it was that. Boyce also concurred in it ; so did Choppin ; and they all were Trinitarians. Whether Nathaniel Weld afterwards changed his sentiments on this point or not, I will presently consider ; but it admits of no doubt, that at that time he was a strict Trinitarian, and followed in the steps of those who preached before him in that chapel. In that state of things the deed of 1710 was executed, which established the fund for the five congregations, one of them being this very congregation of New Row, which afterwards, in 1728, was removed to Eustace Street. That deed has already received a judicial determination ; upon which, however, it does not become me to place any greater weight than belongs to its character as a judicial determination, unappealed from. But as the decision upon that deed has been submitted to me, I must now consider it as settled by judicial authority, though not higher than my own, that the trusts of that deed were for the benefit of Protestant Presbyterian Dissenters, believing in, though not subscribing, the Westminster Confession of Faith ; that Confession of Faith containing the doctrine of the Trinity, according to the Thirty-nine Articles, and asserting the co-equal Deity of our Lord Jesus Christ with God.

Up to this period of time, the state of things does not admit of doubt. But in 1718-19, Old Style, a deed is executed, by which a fund

is provided for building a new chapel, (which was accordingly erected in Eustace Street, in the year 1728,) and for the ministers and the religious worship of the congregation, and for educating boys, and for the maintenance of widows ; and I am asked to believe that Nathaniel Weld, in the interval of seventeen years, between 1702 and 1719, but I should say that the period ought to be confined to nine years, between 1710 and 1719, that he in that interval became an Unitarian ; and I am asked to do so on the ground that he became the associate of Leland, who is said to have been an Unitarian. Now as this was originally a place of worship established for the worship of God according to the doctrine of the Trinity, as expressed in the Westminster Confession of Faith, I must expect clear and decisive evidence of some change which would operate as a breach of trust—for I am speaking of property, not of faith—I cannot hold that a breach of trust has been committed, unless I have clear evidence of it. Where is that clear evidence to be found in this case ? When did Nathaniel Weld, at any time before 1719, express opinions which were Anti-Trinitarian ? No attempt has been made to prove that he ever did so. On the contrary, I find that shortly after 1719, that is, in 1721, he was a clear and strict Trinitarian. I find him a party to certain proceedings of the Presbytery of Dublin, and signing an entry in the record of their proceedings, in which they speak of the ‘great and glorious article of the Supreme Deity of Christ.’ Nothing can be more express than the homage paid by him to this doctrine by his signature. Again, at a later period, you have Nathaniel Weld, after the act had passed for the relief of Protestant Dissenters, which was shortly after the execution of the deed of 1719—you have him not only approving in the strongest terms of that act, which he never could have approved of if he were an Unitarian ; for the 13th section of that act excludes from the benefit of its provisions those who should preach or teach against the doctrine of the Trinity—and how he could express his approbation of that act, if he were one of those who were excepted out of its benefits, I am at a loss to know—but also, in that same document (for the matter does not rest on inference alone), he again expresses in the strongest terms his complete adherence and belief in the doctrine of the Trinity, according to the Westminster Confession of Faith. Therefore, if evidence were wanted to shew that no change took place in the opinions of N. Weld, I have it just about the very period in which it is suggested that he did change his opinions. I therefore take it that, in point of evidence, it stands uncontradicted, that at the time when the deed of 1719 was executed, the congregation in question was a Trinitarian congregation, according to the Westminster Confession of Faith ; following in that respect the old congregation whose foundation was that which I have mentioned. I also think the

observations made by Mr Brooke upon the words of this deed are very just. The intention of the donor was, that divine worship should be celebrated in the way in which, at that place, it had been celebrated ; and as a Judge I can come to no other conclusion. It is observable also that one of the trusts of the deed is for the benefit of Nathaniel Weld himself, and for Dr. Leland ; at all events, therefore the author of the trust was prepared to sanction the appointment of a Trinitarian minister.

But then it is said, look at the latitude in which the donor has conferred his benefits. He has provided for boys and widows ; did he intend them to be Trinitarians ? He has not imposed such a condition. It is not necessary for the admission of a boy or a widow into a participation of his bounty, that either of them should profess a belief in the doctrine of the Trinity ; but I need hardly say, that the selection of the boy or the widow would, in all probability, depend very much upon the persons who were to administer the charity as trustees. But let the funds of the charity be vested in whom they may, whether they would consider themselves, or be held to be, faithful stewards of the fund, if they required a particular faith in the person to be selected, is a question I am not called upon to decide.

I must therefore consider the chapel to have belonged to a Trinitarian congregation, and to have been solely dedicated to the use of such a congregation. Has any thing happened since to divest them of that right ? I agree with Mr Holmes in his eloquent and able address, that I am not bound to transfer this property from one party to another, unless I be satisfied of the grounds upon which I am proceeding ; and that I ought not lightly to disturb the possession of half a century. But I must give this property to the persons to whom it belongs. What has divested their right to this property ? The only ground relied on, as I understand the argument, is, that all the ministers of this chapel since the time of Nathaniel Weld, and including Leland, were Anti-Trinitarians. Suppose it to be so, will that divest the character and alter the nature of the original foundation ? The law is the other way. When you have established the intention of the donor, you have imposed on the property a particular character ; and you are not at liberty to destroy it, and substitute another for it. But this case does not rest upon that alone ; for it has this peculiarity, which relieves it from all difficulty. A portion of the fee-simple in the lands was originally left in the grantor ;\*—a lease was made for a long term of years to the trustees, reserving a rent :—that reversion in fee was ultimately given up, and has been transferred from time to time, for the benefit of the

\* This is what the Lord Chancellor said ; but I believe he was not quite correct as to the fact. It does not, however, appear to be material. Reporter's Note.

congregation ; and it now belongs to the same congregation to whom the chapel interest belonged. Now, certain deeds have been given in evidence, coming down to so late a period as 1829, conveying this property from time to time to new trustees, and with those conveyances there are accompanying declarations of trust. What are those declarations of trust ? That the persons to whom this property has been conveyed, shall stand seized of it upon the trusts of the deed of 1718-19. So that, without any attempt or colour of changing the trust, the persons who have had dominion over this property, down to the present time, have executed declarations that the trust was the same as that in the deed of 1718-19. Where, then, is the question in this case ? I do not at present feel pressed by any difficulty in point of law or fact as to this property ; for it is clearly established, as I am at present advised, that this is a foundation by a Trinitarian, for the purposes of Trinitarian worship, and the legal estate has been conveyed to the present defendants upon that very trust. Upon that part of the case, therefore, I should say there was not any great difficulty.

The question as regards the ministers has a different and secondary bearing. There have been from time to time various donations, and it is said that these cannot belong to and go with the original fund, because as the ministers, at the time when these donations were made, were Anti-Trinitarians, the congregation must be considered to have been so also, and therefore the gifts must now be considered, not as accretions to the original fund, but as belonging to the persons for whom the donors intended them. In point of law how does that question stand ? I am at liberty—nay, I am bound, to consider what was the foundation of the charity, and to receive evidence of what were the doctrines preached in the chapel, and that the donors were members of the congregation. But it is now admitted that the evidence which was tendered yesterday—of the religious opinions of the individual donors—is not admissible. I have therefore only to consider the question with reference to the evidence which has been admitted, to show the surrounding circumstances in which the donor was placed at the time he made the gift. But before I approach those gifts, in order to clear the way as to the ministers, I would inquire whether it is true, as a fact, that Leland was an Unitarian ? Now, I have no hesitation in saying that I think that has not been made out. I am not drawing a distinction whether he was an Arian or Socinian—which he clearly was not—but whether he was an Unitarian. That he may have subsequently become inclined to Arian doctrines, is possible ; and there is a passage in his writings which would seem to lead to that conclusion ; but I think I am bound on the evidence to consider him a Trinitarian. I am asked to believe that Nathaniel Weld, who is proved to have been a

Trinitarian, elected by, and preaching before, a Trinitarian congregation, based upon a Trinitarian foundation, that he became an Unitarian, because he became associated with Leland. I should rather draw the contrary inference; and as Nathaniel Weld clearly was a Trinitarian, I would infer that the person chosen as his assistant in this chapel of Trinitarian foundation, which had an unbroken succession of Trinitarian ministers up to that time,—that he must be considered to have been of the same belief as the person to whose assistance he was called; and not that he converted the elder pastor to his own opinions, which instead of assisting, would have been to perplex him.

A passage from Leland's works has been relied on by the defendants, as showing that he was an Unitarian. How extraordinary it is, that with respect to a man of so great notoriety and fame as Leland was, I should ask, in vain, to hear some sermon of his, clearly and explicitly denying the Trinity according as it is laid down in the Westminster Confession of Faith, or the supreme Deity of Christ, as co-equal and co-eternal with God! Nothing of the kind is produced. Is not that in itself a strong argument against the view taken by the defendants of his opinions; and am I to spell out his opinions from extracts taken from his works? Now, there are some things quite settled in this case. It is settled, that up to the time when Leland entered upon his ministry in this congregation, it was a Trinitarian congregation and a Trinitarian foundation: and I must have some distinct proof that a minister preaching there was not of the same belief as his predecessors; that the succession of Trinitarian ministers was broken; and that this congregation, which from its foundation had been Trinitarian, worshipping in a Trinitarian place of worship, became Unitarian. There are some passages in Leland's works, one especially in his 4th volume, which I freely admit are not reconcileable with the doctrine I have referred to; but, first, I do not know that the sermon in which that passage occurs was ever preached; and secondly, it is not that clear and explicit denial of the doctrine which I have a right to expect. Am I to believe that Leland presided over this congregation for more than half a century, and never once announced to them this great leading truth, which he believed in his conscience, and which it was his duty, if he believed in it, to communicate to his congregation? But in the 1st volume of his works, I find the most express recognition of the doctrine of the "Holy and Ever-blessed Trinity," as he calls it, which could be expected to be found in the works of any man who believed in the Westminster Confession of Faith, or the Thirty-nine Articles. It would be a reproach to the memory of any man who used such language, it would be a reproach to the memory of Leland, to believe that those words were used by him in any other than their ordinary acceptance by Trinitarians. I have had

a most ingenious argument addressed to me upon what is now called Socinian Trinitarianism, (Unitarian is objected to by the counsel for the defendants). Did any one ever hear of Unitarian Trinitarianism? It would be rather a novelty. It is true that Biddle,—I am not called upon to decide upon what his belief was, but from what I have read of his writings, I should suppose he was an Unitarian in the strict sense of the word—a Socinian; but he talks of the three persons of the Trinity; and lowers or degrades the second person of the Trinity, according to the view of Trinitarians—I need not say orthodox Trinitarians, for the whole world knows what is meant by a Trinitarian, and a prefix is not necessary. Biddle wholly disbelieved in it; he wrote upon the subject; but that does not prove, and I never before heard it asserted, that Unitarians considered themselves as admitting a Trinity at all. They acknowledge one God, as we all do; and the Lord Jesus Christ in an inferior sense—inferior to God the Father, and also the Holy Ghost, but in an inferior degree. But I never, before this argument, heard of the distinction which is now endeavoured to be pressed upon the court, and which is referred to only for the purpose of persuading me that Leland, when he speaks of the Trinity, meant the Trinity according to the view of Biddle. Judging with such lights as I possess, I am strongly impressed with the opinion that Leland used those words in their common and ordinary sense, and as I should have expected him to use them. Again, Leland's sermons were subscribed for by a great number of the Bishops of the Established Church. I can well conceive how a work in the defence of the Christian religion may find favour with men who differ from the author on some minor points; but if Leland was at the time an Unitarian in the ordinary sense of the word, I can hardly believe that the Heads of the Established Church would have sanctioned his sermons as they have done.

Then it is said, that even if I cannot come to the conclusion that Leland was an Unitarian, I must believe that Isaac Weld was one. It is singular that Isaac Weld edited Leland's sermons, which were published after his death, and in the preface to that work, written by him, he speaks of the great kindness and attention which Leland received from the members of the Established Church, which shews that he did not greatly depart from the principles of the Established Church. I have read that preface with great attention. Some persons of learned and acute minds may perhaps find out from it that he had an inclination to Arianism, but there is nothing in it which would lead a person of ordinary apprehension to draw that conclusion from it. There is no allusion in it to that most important fact, if it were true, that Leland was an Unitarian. If those doctrines were openly preached by him, why was it not openly asserted of him after his decease? What

so natural, in publishing the works of Leland, as to state that he dissented from the Presbyterian connexion as regarded the great doctrine of the Trinity and the Deity of Christ? I therefore cannot believe that he ever did dissent upon this subject; for if he did, to write the life of such a man as Dr. Leland, and to omit the mention of the most important part of it, would indeed be strange. I cannot find in it a statement that Leland was, or that Isaac Weld himself, speaking of that period, was an Unitarian. It is said that Leland, like Dr. Clarke, was an Arian. I do not well understand what are the doctrines professed by the defendants. I understand that Dr. Ledlie states himself to be an Arian, but I do not understand his co-defendants to be Arians. On the contrary, I understand them to be Unitarians in the proper sense of the word, believing in the divine mission of Christ, but that they do not worship Him. They state by exclusion, that they do not believe in the Trinity, or the Supreme Deity of Christ; but there is not a word that agrees with the declaration of faith made by their pastor. I should therefore rather have collected that these defendants are not agreed in their faith, and that their pastor is an Arian, and the other defendants are Unitarians; and I would suppose that their doctrines are very much opposed to each other, or, at all events, that the pastor places Christ in a higher position than his congregation are willing he should occupy.

As to Isaac Weld, I am not satisfied. There is not that direct and clear evidence which there ought to be in establishing a fact of this nature—evidence of his opinions openly delivered in the course of his ministrations. As to Thomas, it is clearly proved by parol evidence that he was an Unitarian; and Taylor says he is an Unitarian. I apprehend he was an Arian, for he complains that the Socinians had appropriated the term Unitarian to themselves; and placing Christ in a higher place than Socinians, he yet claims the term Unitarian as applicable to himself. It is impossible to deny that he was an Unitarian; but it is singular that as to both these persons, no sermon by them has been produced in which they have denied those doctrines. Mr Hutton clearly is an Unitarian; there is no dispute as to that fact. Then the question is, what am I to do with these different gifts in this state of circumstances?

Mr HOLMES observed, that it was not to be expected that the ministers should in their sermons avow their disbelief in the doctrine of the Trinity or the Supreme Deity of Christ, as it was illegal to teach or preach contrary to those doctrines.

LORD CHANCELLOR.—You say they held doctrines which they did not and could not avow. If they did not avow them, how can I consider that they held them? That view of the subject renders your case rather more difficult.



Mr HOLMES.—The faith of the ministers would appear from their worship, though it might not from their preaching. If they worshipped one Supreme Being through Christ, that would shew that they were Unitarians, though they might not preach the doctrine; for to preach their doctrine would be against law.

LORD CHANCELLOR.—What was the meaning of producing the sermons, if that be the true view of the case? They have no bearing on the case. I have no doubt that Thomas and Taylor were Unitarians; when they became so, is another question. If they could not express their opinions, I cannot act upon that which was not avowed. I am not called upon to spell it out from circumstances. I am called on to declare that there has been a change of this congregation from a Trinitarian into a Unitarian congregation. But if I decide that this was a Trinitarian foundation, then every piece of evidence shewing that Unitarian doctrines were held by the ministers of it, establishes the case of the plaintiffs, and the evidence can only go to the point, to whom do the donations belong? I am told that the doctrines in question are not of the essence of Christianity. I cannot so treat them. I am bound to consider them as essential, and that this Trinitarian foundation was founded upon the belief of the 39 articles, and that this was a trust for persons holding that belief. I have been asked, how am I to establish the charity; how is it to be ascertained that the persons to participate in it are Trinitarians? The Court never has been pressed by such a difficulty as that suggested. It would have equally applied to Lady Hewley's case. There will be no difficulty if I retain my present opinions, which I am rather discussing than pronouncing; for I shall consider the matter, not affirmatively, but negatively; not declaring who are entitled, but excluding those who hold Unitarian doctrines. The court has no difficulty on the matter; it can make its decree without pointing out the particular mode in which the belief of the parties is to be ascertained.

Then as to the particular charities. The important one is that of Lowton in 1741. Lowton gives the property in a way which no person can dispute would give it to a Trinitarian congregation, if that was the proper mode of worship in this chapel. (Reads his letter of instruction). The boys certainly are not required to be of any particular faith; in that respect, this gift is circumstanced in the same way as Damer's. How then am I to construe this gift? I do not know any thing of the private opinions of this donor; I only know that he was a member of this congregation. By law, that is a Trinitarian congregation, according to my present opinions; and I cannot see, anxious as I have been—for I have felt anxious, if I could find an intention expressed to devote any particular sum to Unitarian purposes, to give effect to it—

for I should not consider myself bound by any authority which has been referred to, to give it to Trinitarians—but I repeat it, I can see nothing of that kind ; nothing in the will which does not exactly adapt itself to the precise foundation, which is a Trinitarian foundation ; nothing in it which would shew that it was not a good gift to the congregation, supposing that it had never altered its opinions, but had always continued Trinitarian. It is therefore impossible for me to say that this gift is to be separated from the old fund and carried to a separate account. I have not before me the particulars of the several funds, and the precise charities to which they were to be applied, but they appear to me to be governed by the same principle. Take Mrs. Singleton's. (Reads the terms of the gift.) It will be found exceedingly difficult to separate the sums given by her from the foundations to which they were attached. The principle which I go on is, that there is nothing on the face of these gifts to shew that they would not be exactly fitted to the congregation, if they had at all times been Trinitarians ; and I cannot go into the particular religious opinions of the individual donors, though I must receive evidence as to the fact that they were members of this congregation. In some instances the donors have expressly shewn their intention, as in the case of the congregational subscription in 1786. There the words of the gift referred to the original fund of Damer, and consolidated their gift with Damer's fund. That is a strong fact ; for, in 1786, the persons now claiming against the gift of Damer's fund—

Mr HOLMES.—That congregational subscription was not a gift to Damer's fund, but a purchase of an annuity from the trustees of the fund.

LORD CHANCELLOR.—I am aware of it. They gave the money to Damer's fund, and that fund became liable to pay an annuity of £40 to the widow. They mixed up the two funds ; for the trustees of Damer's fund had no right to grant that annuity.

The next subscription was in 1792, and that was carried back to Mrs. Singleton's bequest and consolidated with it.

Mr HOLMES.—That was in the time of Thomas, when they were all Unitarians.

LORD CHANCELLOR.—So I understand ; but they carry back that subscription, and consolidate it with that particular fund.

There are no other donations of consequence, except that of Miss Crosthwaite. I have read her will, which at first seemed to introduce considerable difficulty apparent upon the face of the instrument itself ; but on reading it over again, it appears to me that the testatrix has referred her gift to the old foundation.—[Reads the will.]

The whole of that statement (viz. in the will) goes to the right of the exercise of private judgment ; and there is nothing in it opposed to

the view I have already taken. I am therefore apprehensive—for if I found any thing in those instruments shewing that the gifts were made for Unitarian purposes, I would sever them from the original fund, and not include them in the decree; but I am apprehensive that I must decree the entire of these funds to the plaintiffs.

It has been said in the argument, that I must consider those original gifts as if they were given in this way. They say there was a free right claimed and exercised by these Dissenters that they should be at liberty to change their private opinions according to their judgment, and that the congregation at large should also be at liberty to change its opinions; that I must consider the original gifts as subject to this right; and that the congregation might change its opinions, and still carry with it the right to the property, notwithstanding the change; and that this was not a gift upon condition that the congregation should continue Trinitarians; and that I ought not to impose such condition on them. I do not impose such condition on them; I only read the trust as I find it, and deem it to be a trust for Trinitarians. Those who do not answer that character are not entitled to the benefit of the trust. The other objection is different. It is said that, according to the doctrine held by these Dissenters, they are at all times at liberty to change their opinions; that such is their great principle, the right of private judgment. Then it is said that there is no penalty for doing so; and that if one was to give his property to Unitarians to-day, and they were to become Trinitarians to-morrow, they should carry off the property with them, in consequence of this great principle; in fact, it comes to this, that if one were to give property to the Presbyterian Unitarian congregation of A, and they were to become Trinitarians, they would take the property. But what is the real state of the case? They teach and preach the free and uncontrollable right of private judgment; but the moment the right of private judgment leads a man, in the exercise of it, to dissent from them, they will not retain him as their minister. It has been proved that in the Synod of Munster, some of the congregations are Trinitarian and some are Unitarian; and that at their annual meetings the Unitarian and Trinitarian ministers mutually preach in the pulpits of the others. That may be so; but I take it for granted that when they preach from the pulpit of a minister of a different persuasion, they avoid those subjects upon which they disagree, and preach only upon those which are in common to them; otherwise, I fear that the union which seems to have existed amongst them, would not have lasted so long. It only shews that there may be a Synod of congregations of different faith; but it is not evidence that there may be a mixed congregation of Unitarians and Trinitarians, or that either would tolerate a minister of a different belief: and that consideration introduces the

difficulty of believing that Isaac Weld could have preached Unitarianism, and Leland Trinitarianism, to the same congregation.

The evidence clearly shows that subscription and non-subscription was not the bond of exclusion ; that, provided the belief was declared, there might be a perfect bond of union between subscribers and non-subscribers : but the evidence also shows, that if a man became infected with error, for example, if he believed in the doctrines of Unitarianism, those who professed Trinitarianism would no longer hold communion with him as a congregation, and if he were a minister, he would be deposed. That is the clear result of the evidence ; and what is more, it is the inevitable working of every system. No congregation, having the free choice of their ministers, will sit under a minister who preached doctrine in which they did not concur, and especially a doctrine because of which they had separated from the original body, in order that they might be at liberty to entertain their own belief. They could have had no other object in separating from the original body. I apprehend, therefore, that this point has been pushed too far, and that it cannot be maintained. Another argument of considerable weight urged for the defendants was this, it was said that these were gifts to Protestant Dissenters, and that those words are used generally, and include both Trinitarians and Unitarians. I am not disposed to deny that, in an abstract point of view ; but it is clear that I am bound to resort to extrinsic evidence, within a limited range, for an explanation of those terms ; and upon the evidence in this case I am of opinion that those terms must be held to mean persons professing Trinitarian doctrine, according to the Thirty-nine Articles and Westminster Confession of Faith. Therefore, my impression is, that the Attorney-General is entitled to the entire decree ; but I will not part with this case until next term ; nor would I have made the present observations but for the attention I have paid to the case, both in court and out of court. I will finally dispose of it on the first day of next Term, and in the mean time will give it my best attention.

Sir Edward Sugden's delay in giving judgment in this cause has been imputed to his sense of the injustice of the decree which previous decisions would otherwise have compelled him to make, and to his hope of escaping from that necessity, under an act limiting the time for bringing such suits which the government had undertaken to introduce. But to have done otherwise would have seemed opposing the government, of which he was part. Besides, he could scarcely have expected such an act, if passed, to apply to any proceedings commenced before it was introduced, for such a course was entirely without precedent, whether the case was viewed as one of charity or of property. He seems on the con-

trary to have done for the relators all that he could have done with propriety, if he had designed to benefit them, for his remarks will generally be taken to show that there was nothing in the case which called for the interposition of the legislature. He might have withheld his opinion without incurring any reflection by so doing, as he could have found good reason for taking time to consider his judgment. He certainly threw out an intimation that in his opinion there should be a limitation to such suits in point of time, (without however entering into his reasons for such a change of the law), but that may be taken as the notion of a conveyancer as to shortening the period for which a title must be shown. He could not feel strongly on the point of secondary charities following the fate of the primary foundation, for in the *Attorney-General v. Drummond* he extracted the rule which rendered such a result inevitable, not from Lord Cottenham's remarks on moving the judgment of the Lords, but from the reasons of some of the judges, or rather from the speeches of the defendants' counsel. The necessary consequence of this was to deprive himself of the means of knowing judicially the circumstances attending the secondary charities to be affected by his decree in this case, for the donors had indicated the religious doctrines which they meant to be supported by the property which they contributed, only so far as that was rendered manifest by connecting the charities with the chapel, which no doubt they thought sufficient. He was the first equity lawyer who, in the case of a vague or ambiguous trust for religion, shut out evidence which the founder had left in writing of his opinions.

Though his lordship went carefully through the particulars of each accretion, he did not remark on any circumstances connected with any of them, as showing the hardship of its being claimed by the information. Indeed the argument as to them seems all the other way. Joseph Damer Esq., and Mr John Lowton were the chief donors, the former of £1700, and the latter of £1800 and a house. Mr Damer was beyond all doubt a Triunitarian, and the Chancellor had already decided so in the suit as to the General Fund. The language of Lowton's instructions to his trustees, dated in 1741, testifies the same for him, as might be expected from his dying in Dr. Leland's time, and not more than twelve years after Nathaniel Weld. The only one of these donors that expresses any opinion as to doctrine is Miss Crosthwaite, and she refers to the principles of the founders of the congregation with

regard to the rejection of human creeds, and in that respect only expressed her agreement with Mr Boyce and Nathaniel Weld on the point in which they differed from their brethren of the North.

Ralph Caird, the founder of the Almshouses, dates his will in 1744, so that he was nearly coeval with Lowton. Mrs Singleton who founded the Girls' School, and gave other benefactions, also passed the active part of her life, that which testified her belief, under the ministry of Dr. Leland, and dated her will not five years after the death of Dr. Isaac Weld, his colleague and the editor of his sermons. If Thomas and Taylor pursued the same course as the contemporary ministers of the same opinions, they would conceal, at least during Mrs Singleton's time, their real sentiments, and she might well regard the congregation as remaining what she had first known it. The most was made of any argument derivable from the Widows' Fund. This commenced with £100 given in 1807 by Mrs Maurice, whose primary purpose was that it should be applied in rebuilding the chapel, which if rebuilt would, beyond doubt, have been held upon the original trust for Trinitarians; and she extended the period for its being so applied to the utmost limit which the law allowed, and cared so little what should be done with her money, that purpose failing, that she left it to her trustees to select some method of benefitting the congregation, without hinting at the support of any peculiar doctrine. A congregational collection of £300 in 1786 was given in increase of Damer's Fund, on condition of the trustees of it appropriating £100 per annum to a widow of a minister, or widows of ministers, of the congregation, a bargain which those trustees were not competent to make. Another congregational collection of £304 in 1792 was added to Mrs Singleton's bequest, and these two sums were the only ones contributed by the congregation which could be affected by the suit. Almshouses and Day Schools are not the institutions generally selected for the objects of their charity by persons strongly attached to any doctrines; and they can be transferred with very little frustration of their original intention to persons of a different belief. There seems little to object to in the information which, when it claimed a chapel as dedicated to the support of any particular doctrines, claimed also all such congregational property as has been now described.

On the general questions of the intention of Presbyterian founders, the impossibility of a congregation admitting on an

equal footing the holders of contrariant doctrines, the compatibility of a definite, cherished, and exclusive faith with the rejection of subscription to any creed of human authorship, and the difficulty of supposing that any real Trinitarian could regard the doctrine of Christ's deity as a matter of indifference, Sir E. Sugden showed a deeper insight into the matters in dispute between the orthodox and the heterodox than any other judge whose opinions have been recorded in these pages, and he evinced as strong an opinion as any other that the right ownership of Presbyterian property was with men of the old opinions.

A suit precisely similar to the *Attorney-General v. Hutton* was instituted against the trustees of Strand Street Chapel Dublin, to which, as already stated, the united congregations of Wood Street and Cook Street removed. Wood Street chapel was that from which Mr Emlyn had been expelled, at the suggestion of his colleague, Mr Boyce. The congregation had also regularly received from the trustees of the General Fund the yearly sum of £100 which, when the decree in the *Attorney-General v. Drummond* was pronounced, was reserved to be disposed of at the hearing of the suit respecting the Strand Street Chapel which had then been instituted. This annuity was paid as the proceeds of the investment of £500, given by Sir Arthur Langford, Bart.,\* whose Trinitarian opinions, as

\* Sir Arthur also built a chapel on his estate at Summerhill, in Meath, and endowed it with an annuity of £30. It also received a share of the regium donum. This foreign support produced the usual effects of endowments, in the congregation first becoming heterodox and then decaying, until in 1838 it consisted of the minister, Dr. David Trotter, his four children who, it should be stated, were adults, and at most three other gentlemen either without families or with families belonging to the establishment. The lease of the chapel had expired in 1839, and it was doubtful whether the landlord would renew it, (the renewal would perpetuate the burden of the annuity on his estate); and it had been intimated by the Secretary for Ireland that the regium donum would be withdrawn from it at the end of Dr. Trotter's incumbency. These matters notwithstanding, when in 1839 it was much damaged by a storm £90 was voted from the General Fund to repair it, and in 1838 and 1839 the same body allowed the minister £50 a year, while for six years preceding the grant it had been £18 9s. 3d., and the previous amount (seemingly a matter of course) had been £9 4s. 7d., these odd sums being the expressions in sterling money of round sums in Irish currency. Dr. Trotter after this fell into disgrace with his party through his opposing and frustrating a scheme sanctioned by the synodical injunctions of the Synod of Munster, for his taking a colleague and successor to raise the congregation, and save the government and Langford annuities. Mr Macdowel came on probation under the patronage of Doctors Armstrong and Ledlie, but he preached against the doctrine of the Trinity until he drove away some of the small congregation, and until the clergy of the establishment in his neighbourhood warned their flocks from their pulpits not to go to the meeting-house. It appears that another motive for the appointment of a colleague to Dr. Trotter was

one of the founders of the General Fund, were recognised by the Irish Chancellor, and indeed were not disputed. Against these facts as to the orthodox origin and sustentation of the chapel in litigation, there was set up the circumstance that the congregation had raised a large sum (the amount not stated) for the support of the widows of their ministers, one third being contributed by the sisters of Lord Chancellor Plunket,† from attachment to Dr. Armstrong.

It is alleged that this widows' fund being disclosed in the answer, a claim to it was made by amendment of the information. The cause before it was ready for hearing being stayed by the Irish Chancellor (apparently *mero motu*,) the matters here stated respecting it are not from such sources of authority as have been referred to in the other cases, reports and briefs. Complete information might shew that this widows' fund was not very differently circumstanced from that connected with the Eustace Street Congregation. It was a matter of course, when the matter had been mentioned, to get all the facts respecting it fully set out in the answer.

The decision of the Vice-Chancellor in the case of the Hewley charity had not been followed in England by any similar suit or by any professional intimation of one, (it had not encouraged the second information in the Wolverhampton case, as that was filed in 1832), but in Ireland, as we have seen by the time Sir Lancelot's decree was confirmed by the House of Lords, the Clough Chapel and the General Fund were recovered by Trinitarians, and the Chapels in Killinchy, Eustace Street, and Strand Street, had each been the subject of an information. The English Socinians nevertheless were the first to stir in the matter. The House of Lords gave judgment dismissing the appeal at the end of the Session, and near the beginning of the Long Vacation of the Courts, but now they had lost at law, which according to

avowed by the two doctors to be the addition of another heterodox minister to the Synod of Munster. Most persons will be of opinion that of all who interfered with the affairs of this congregation the Irish Secretary shines most. All these matters were proved in the suit relating to the General Fund, as an instance of its being improperly applied to prop up congregations which heterodoxy had destroyed. It need scarcely be said that Summerhill has disappeared from the list of Unitarian chapels in the United Kingdom.

Sir Arthur Langford's family is represented, through females, by Lord Langford, that title of peerage having been taken in perpetuation of the old Presbyterian surname.

† The Plunket family was an old Presbyterian one, and was orthodox at the time of the foundation of Wood Street and Cook Street chapels. If the Chancellor's father was of the new light, his grandfather was of the old opinions; both were ministers.



all indications was regarded by them as impossible, the determination was immediately taken to apply to the government. They had only this resource left, and had it not succeeded some twenty or thirty chapels, and those for the most part of no importance would have been all that they could call their own. A deputation waited on Sir Robert Peel, and seem to have had difficulty in securing his adoption of their views, and his war espousal of their cause; indeed his statements to the House, many points were so incorrect that we are not warranted, by the other actions of the party he took under his protection, to suppose they misinstructed him, but we must impute his mistakes to overzeal. He had Socinian relations, and uncompromising adherence to fixed principles was uncongenial to his nature.\* Of course the opinion most potential next to the Premier's was the Chancellor's and, notwithstanding the judgment he had given he followed his chief on this, as on other questions, with an alacrity and zeal which showed how completely in him the judge was subordinate to the dexterous debater and parliamentary tactician. We shall see the arts and tricks that he resorted to. Thus all was easy as regarded England, but Ireland caused the administration some difficulty. The Arian party there, at the beginning of the next year, forwarded to Dublin Castle three memorials, from the Presbytery of Antrim, from the Remonstrant Synod, and from the two Dublin congregations, which all besought the Lord Lieutenant to direct the Attorney-General to stay the suits respecting the Dublin chapels. This showed their very great confidence in the sympathy of the Irish government also, or the very great interest of which they were sure, and it may be doubted whether such a request would have been made in England. They had done more, for according to the memorial of Dr. Cooke, which will shortly be noticed, they had previously, at least attempted, to make the bench do their bidding; as before one of the trials between the orthodox and heterodox (it does not do to speculate which of them it was) some persons in the interest of the defendants waited upon the judge before whom it was to be tried, and had influence sufficient to send him to the Castle, that he might bring

\* It was singularly indicative of his character, though it seems not to have been noticed, that when he was Irish Secretary he had no fixed signature; but sometimes used the initial, and at others a contraction, of his christian name, and occasionally wrote it in full.

the power of the government to bear upon the chief relator, who held an office in the castle, so that he might be induced to drop the information. An Englishman would have found difficulty in believing, even on Dr. Cooke's assertion, that this was possible even in Ireland, had not this statement been made in a document presented by the doctor to the Irish Secretary.\* Copies of these memorials were forthwith transmitted by the Irish government to Dr. Cooke, as Moderator of the Synod of Ulster, and he, on receiving them, prepared a short answer, took it to Dublin and with some of his friends, saw Lord Eliot, the Irish Secretary, and also the Irish Attorney-General, read it to them, and gave further explanations of the matter. They requested him to meet Dr. Montgomery, the Moderator of the Remonstrant Synod, and the champion of the Irish Arians and Socinians, in their presence, with the view that some method of arrangement might be devised. Dr. Cook declined this, as he had no authority to bind the General Synod. On his return home he obtained the appointment of a committee of the General Synod, with all the Synod's powers, "for examining and determining upon what principle any of our congregations or people should be countenanced in seeking to recover properties originally belonging to the Synod," and presented a memorial from himself as moderator to the government which, with the memorials of the other party, he immediately printed and distributed among his friends. The following resolution was passed by this Committee on the 1st March.

That it appears to the committee that at former and recent periods several houses of worship with lands and funds, and other properties, which were originally built, devised, or established by Trinitarians for the teaching and perpetuation of their principles in this province, have, under various circumstances, some of violence, and some of hopeless submission to spoliation, come into the possession of Arians or Socinians. And whereas it is just and equitable that all such properties should be restored to the purposes for which they were originally intended, or that adequate compensation should be made to the parties from whom they are forcibly withheld. Therefore this committee declare that in their deliberate judgment it is competent for all congregations or individuals,

\* It is necessary to quote the very words of this charge. "The memorialists, I presume, are the identical men who, upon a former occasion, privately interfered with the very Judge by whom their cause was to be publicly tried, thus tampering with justice at its fountain head, who had influence sufficient to send that Judge to the Castle, to impeach the individual who had the courage to reclaim their usurped possessions, possessions which a court of equity has since restored to their rightful owners."

who have been so spoliated, to take the necessary legal steps for the recovery of all such property as can be evidentially traced to a Trinitarian origin ; but that all permanent improvements upon such houses and lands as can be evidentially traced to an Arian or Socinian origin should, after reasonable deduction for mesne rates, (qy. rents) be restored to the religious representatives of the parties by whom such improvements have been made ; and that where the funds of Arians or Socinians have accresced to the funds of Trinitarians, all such accreasing portions should be fully and unreservedly restored to the religious representatives of the donors.

Copies of this resolution were immediately transmitted to Lord Eliot, the Irish Secretary, the Remonstrant Synod, and the Presbytery of Antrim.

Dr. Cook's memorial contained this sentence : ' I beg leave to state that so far as my means and influence extend, I am resolved to reclaim by an open appeal to the law, all property in houses, lands, and funds, that can be evidently traced to a Trinitarian origin ; but where the money of Arians or Socinians has been laid out upon any special improvements upon such houses or lands, or where their funds have accresced to the original capital of the Trinitarians, such special improvements, after a reasonable deduction for mesne rates, shall be compensated, and such accreasing portions of existing funds shall be restored to the uttermost farthing, while neither houses, lands, nor funds, that can be evidentially traced to an Arian or Socinian origin shall ever, with my consent, be sought for upon any pretence whatever.'

The two doctors, the champions of their parties, subsequently met as proposed in the presence of Sir Robert Peel, and he gave the House of Commons the following account of the meeting :

An appeal was made to Her Majesty's Government last session by the Unitarian body in Ireland. They came at the instance of my noble friend (Lord Eliot) near me, and stated that they represented congregations to the number of 30,000 persons. They frankly and openly stated that they were opposed to the general policy of the present Administration, but that they felt confident that we, as an executive Government, could never tolerate such a wrong as that of which they complained. They told us their story of the separation in 1829. They told us of the loss they had sustained. They told us the story of the widow, whose case has been alluded to in this night's debate ; and upon the hearing of their statement I felt assured that the Legislature must ultimately prevent injustice being done by a strict application of the existing law.

I can assure the House that Her Majesty's Government never contemplated separate legislation for England. When the honourable

member for Kendal last year urged us to bring in a bill for the relief of Unitarians in England, the Irish Unitarians said, 'Do not postpone relief to the Unitarians of England on our account. We know the formidable opposition that is about to be raised against us—we know there will be a combination of opponents if you attempt to give relief at the same time to both classes of Unitarian Dissenters. Let the English Unitarians have the benefit of the law, and we will be content to have our claim postponed.' But Her Majesty's Government said, 'We think that it would appear to be, and that it would be, so manifestly unjust that a rule should be applied to the Unitarians of England which should not extend to Ireland, that we deprecate altogether passing the bill at present. We will postpone it till next session. Let the House of Lords consider the case on the great and comprehensive principles of justice, and we entertain the hope that justice will ultimately be done to the Unitarians both in England and in Ireland.' In the mean time, I did what I could to settle the matter by amicable arrangement. I asked the representatives of the Synod of Ulster to leave the question to be decided by four members of parliament, to be selected from men of opposite parties. That proposal was rejected. I then earnestly advised that the Crown might be allowed to appoint a commission to consider what ought to be done upon the principle of equity—that the facts might be laid before parliament, and that we might have before us the history of the separation, and a statement of the amount contributed by the Unitarians. I asked the consent of both parties to the appointment of such a commission, and it is right I should state that that proposal also was refused. The representatives of the Synod of Ulster would not consent to the appointment of any commission unless the Crown stipulated that it should be composed of chancery barristers, and that those barristers should decide according to the strict principles of equity. I said, 'Of course I have read the decisions of the different Lord Chancellors in the case of Lady Hewley, and also the decision of Lord Chancellor Sugden in another case in Ireland; and I know that if three chancery lawyers have to determine the question, there can be no doubt what their decision will be; and therefore I, on my part, decline your proposition.' If, then, Her Majesty's Government are now compelled by a sense of duty and a sense of justice to ask for the interference of the legislature, it is not until they have exhausted every effort to bring about a settlement by amicable arrangement.

On this it is to be observed that Sir Robert's account, or the report of it, leaves it uncertain whether it was proposed that the commission should give their opinion of what ought to be done, or merely ascertain and report the facts. If it had been proposed to appoint a commission with powers restricted to inquiring into

the facts and reporting them to Parliament, the Arian party could not have objected to its being composed of equity lawyers, as they would have proceeded, not upon the technical equity of the courts, but upon the notions of right and good conscience common to educated men; the proposal was that the Commissioners should come to a decision on the moral claims of the two parties in each case. The Rev. William Glendy, a member of the Remonstrant Synod, in a letter to the Northern Whig, dated 9th March 1844, reprinted in the Presbyterian Reporter, p. 25, described the meeting thus :

‘Dr Montgomery proposed, through Sir Robert Peel, to meet Doctors Cooke and Stewart in his presence, or that of Sir James Graham, to discuss the whole matter, not on the ground of *ex parte* allegations, but on the sure grounds of public documents and notorious facts, and so fully was he (Dr. M.) convinced of the justice and perspicacity of those two distinguished members of Her Majesty’s government, that he proposed to abide by their decision, whatever it might be. Failing in this, he next offered to leave the whole matter at issue to be decided by a committee of the House of Lords, or by four members of the House of Commons, mutually chosen, or to a Royal Commission appointed by government, or by any two honest laymen who should decide, not according to chancery law, which might (as in the case of Eustace Street) lead to the sweeping away of funds and other properties confessedly created by Unitarians, but according to the principles of unquestionable right and Christian justice.’

This letter no doubt correctly represents the negotiation ; the terms proposed were those of the Presbytery of Antrim and the Remonstrant Synod, conveyed through the government to the Synod of Ulster.

The answer of the Synod of Ulster is not given, but no doubt it was a requirement that the reference should be to chancery barristers, the decision of an incompetent tribunal being naturally and properly declined, especially as the bias of the government which would have appointed the Commission was so strong. It is not however fair to represent that the rigour of the law was claimed on behalf of the Synod as to all the chapels and endowments concerned, for they were irrevocably bound by the resolution of their committee, and the pledge to the same effect contained in Dr. Cooke’s memorial. The whole negotiation seems to have failed before the 16th August, for it further appears from Mr Glendy’s letter that the government resented

a letter dated on that day addressed to Sir Robert Peel, imputing to them "a desire to frustrate the expectations of pious persons deceased, to pervert trusts and properties invested for the propagation of truth to the dissemination of error, and to quiet in usurped possession men who had crept into them by stealth, continued in the occupation by fraud, and who now plead the wrong committed as constituting a right, and contend that the length of time they have been tolerated as trespassers should give them a legal title." This may have been an impolitic letter, but it prevented the ministry from pretending that the case of orthodoxy had not been summed up in few words beyond possibility of misapprehension.

The heterodox party had, before the bill was introduced, and up to the time of its passing, their central committee in London, the members of which were indefatigable in waiting by themselves or most carefully selected canvassers on the members of both houses, and plying them with the *Historical Proofs and Illustrations* (see p. 203) and smaller tracts of various kinds. This is not complained of, parliament being on a very different footing from a bench of justice, which however had not been free from similar communications see p. 303 *supra*.

14 While the Anti-Trinitarian party were thus active, vigilant, and at perfect accord among themselves as to what they desired, and the best means of accomplishing it, every thing prevented the Trinitarians from making a successful opposition to them. The most zealous and powerful opponents of the bill, as the parties most directly interested, were the Irish Presbyterians, and they no doubt did everything which it was possible for them to do, but as the measure originated with a government of their own way of thinking in general politics, they lost the votes of those of their friends who would have gone with them if it had been a Whig measure, but did not like to oppose it coming from a Tory ministry, as they had no personal feeling or conviction in the matter. They were also placed under the greatest disadvantage by pettifogging tricks played them in the Lords, and accumulated disasters which befel them in the Commons.

There was a short petition from the Scotch Seceders, but that was the only other Presbyterian denomination which took so much trouble. Perhaps it was not to be expected that members of the Free Church, in the first year of its existence, would come forward in a matter which did not affect their own country, and

which tended to expose faults in another Presbyterian body, though those faults were owing to its not having carried out the principles of the system. The Kirkmen no doubt thought it beneath them to support Dissenters in any part of the United Kingdom; beside they had then lost the majority of their best supporters by the new secession, and had work enough on their hands to hold their own against the Free Church. The Scotch chapels in the northern counties, having had their full share of the Hewley charity, were always on good terms with the Socinians when in power, and therefore by no means hailed the change. "For a gift doth blind the eyes of the wise, and pervert the words of the righteous." The Seceders and the Kirkmen, in their first proceedings under the Attorney-General v. Shore, were both represented by the firm which had been the London agents of the defendants in that suit, though afterwards that firm acted for the Seceders only. The affidavits used in the contest between the Independents and Presbyterians in the master's office were communicated to a Socinian, and published by him, with comments apparently to influence the decision of the House of Lords. This connection of the Scotch with the Socinians' lawyers lasted till long after the passing of the bill, and could not exist without effect on the opposition to it.

The Independents sent up petitions from the Congregational Union and all their principal congregations, and took care that those of the latter description should be sent for presentation to the local members, with proper information as to the true state of the case. They had however no central committee to manage the opposition, except so far as the Dissenting Deputies took the matter up, in spite of a determined protest from several of their number. It should be borne in mind that the interest of the Independents in it, otherwise than as matter of principle, was very slight. Except in very large towns, an old meeting-house, if recovered, would have been a source of weakness and a burden to them, as having already a chapel of their own in the place. Endowed chapels have rarely done them any good, and there were few endowments of other kinds to be reclaimed. They had gained, as yet, nothing by their suits, but the expenses attending them. The Wolverhampton chapel had fallen into the hands of the Baptists; and the Hewley case had, up to that time, only produced a second and more troublesome and costly litigation: and

it has always been known that the fund, when recovered, must be shared with the Baptists, if not with the Presbyterians.

The contest showed what parties had the stimulus of a real conviction that their claim to represent the English Presbyterians was true and just. The burden, as far as England was concerned, lay upon the Independents, but several influential men among them, it should be said, discouraged the contest for peace sake, and from the notion of its inutility. The individual ministers who had been partakers of the share of Lady Hewley's bounty accorded to the body by the old trustees, of course deprecated the suits, and for consistency's sake approved of the bill.

The Evangelical party in the English Establishment could not be expected to be very zealous, as the House of Lords had not yet pronounced the invalidity of the Braintree Church-rate, and the ill-will which that question occasioned was at its height. They however presented many petitions, and they might well trust to the Bishops' zeal for orthodoxy, and their supposed influence in religious matters over the temporal peers.

The Baptists rather supported than opposed the bill, they no doubt thought of chapels in their own hands which, having no baptisteries and double vestries, or having them only by late addition, proclaimed their alien origin. They might fairly however urge their objection to endowments, which are uncommon among them; and their ultra-democratic principles would induce them to favour the right of a congregation to determine the doctrine to be preached in its own chapel. The habit of arguing for adult baptism gives a rationalistic turn to the mind, and accordingly the early baptists were Arminians, many of their congregations soon became Arian, and there have always been indications of a kindness between the occupants of the old meeting-houses and the Baptists, as the two out-speaking and thorough-going denominations, each differing in its distinguishing tenet from the rest of Christendom. The Baptist denomination had no real interest in the matter, as their deeds carefully secure their chapels to those practising "the baptism of believers by immersion." It however supplied the House of Lords in Lord Teynham with the best exponent of the practical and real principles involved in the measure, as was shown by the malignant notice of him in the Presbyterian Reporter.

The Wesleyans could not be affected by the bill as intro-

*that he had been in the Baptist Ministry*



added, and at their instance additional expressions were inserted in it, precluding all possibility of doubt on the point: they were not however content with this, but their committee for the protection of their privileges presented a petition, signed by the president of conference as their chairman, which denounced the injustice and impiety of such legislation.\* The circumstance that this great Arminian denomination of modern times has always contended zealously for Trinitarian doctrines, contrasted with the state of things among the learned Arminians of the sixteenth and seventeenth centuries, is of good augury for the future.

Combined action was not to be expected from parties who were interested in the matter and those who were not so interested, and was impossible between persons having irreconcilable claims to the properties which it was sought to affect. This accounts for there being but one public meeting on the subject, (it was held at the Crown and Anchor,) a circumstance which to those acquainted with the Evangelical party will be conclusive that they felt themselves powerless as against the supporters of the government measure.

Yet it might well have been supposed that agitation in such a cause was quite unnecessary, and that all England and Scotland would have pronounced an indignant protest, of power to arrest the measure, on the bare announcement that its sole object was to endow Arians and Socinians with the chapels of the zealous Trinitarians, zealous even to persecution, which the Presbyterians at the passing of the Toleration Act notoriously were. Evangelicals and Tractarians should between them have roused England to as much zeal for the catholic and orthodox faith as that required. Quickened into new religious life as all parties in Scotland were, by the testimony borne for God's truth and the liberties of His church, on the third and crowning secession, it might have been expected that every Scottish representative would

\* Knowledge of the petitions by denominations against the bill is derived from a volume containing the debates, which was published by the party in whose behalf the bill was passed, and their candour in reprinting them calls for acknowledgment. They will be found in the appendix as the best statements of the arguments addressed to the consciences of the members of both houses, in opposition to the measure. The arguments for it will be given in extracts from the speeches of members of the Government. The Presbyterian Reporter, a kind of magazine published by the Socinian party at irregular intervals during the period occupied by the bill passing through parliament, is the only full and consecutive record of the struggle which has been obtained, or which is believed to exist. The reader will bear this in mind if he finds any omission or incorrectness prejudicial to the cause advocated here.

have appeared as a mere delegate, to vindicate the Presbyterian name from the opprobrium attached to it from its misuse in prelatie England, and to rescue from their long desecration the old meeting-houses, built as they were by men having derived their religious opinions from the great divines whose legislation, both as to theology and church order, has yet preserved its ascendancy on the other side the Tweed.

Latitudinarianism has however its peculiar stronghold in the higher professional, scientific, and literary classes of England, and they immediately, or mediately, form public opinion, as to the higher classes at least including the members of both houses, and the opportunity was not lost of discountenancing the old-world opinions of the Westminster Assembly, and disconnecting them from the chapels built by the next generation of Presbyterians. The majority even of educated persons, never taking a deeper view of a matter which does not concern themselves than a *prima facie*, or as they would say, a practical one, looked upon the bill as confirming to a whole denomination places of worship which their fathers had built, and they themselves had long been in possession of, which would be of very little value to those who claimed them, would cost to recover more than they were worth, and would in the recovery occasion scandal and ill-will in every considerable town in the kingdom; and they therefore concluded that it was for the benefit of everybody but the lawyers that the bill should pass. Persons reasoning thus did not consider that, according to the convictions of the founders, and the professed creeds of all Christendom, except the infinitesimally small party who would be benefited by it, the bill would effect the worst kind of sacrilege, the theft of sacred property and its employment in perpetual injury to religion; that the one notion patronised by it was that there are no essential and peculiar truths in Christianity; and that thus it dedicated all the property affected by it to the encouragement of ever-changing error. They did not know that, so far as respected England, they were, in nine cases out of ten, only perpetuating congregations, which for fifty years had not been worth preserving, were diminishing every generation, and every member of which would have been glad of any decent excuse for finding himself at church; and that in the exceptional cases, they were only securing old buildings in undesirable localities to wealthy congregations, who were nowise indisposed to leave them. Accordingly we have since seen them in Birmingham and Newcastle-

upon-Tyne part with the sites which had been represented as endeared to them by the memories of Bourne and Prfestley, Bennet and Turner, and in Carter Lane resign, (on sale), the chapel which had been almost the last to lapse to mere humanitarianism, as if the remembrance of Baxter was enough to preserve his chapel, in order that it might testify against the misuse that was made of his name.

It so happened that at this time the Independents were without a representative in the House of Commons, while the Socinian party was stronger there than it has been since, and its representatives were men of great worth and influence, and sat for places of the first importance.\* They all were among the staunchest followers of the Whig leaders, whether in or out of power, and in return obtained their hearty support of the bill. Indeed it was always from their representations that the statesmen on the liberal side acquired any notions of the views and feelings of dissenters, while how little sympathy there was between them and other non-episcopalians may be judged from the fact that, during all the controversy, their advocates and pamphleteers represented them, fulsomely to the objects of their praise, and offensively to other nonconformists, as supporters on principle of religious establishments, and especially friends of the one which has obtained in England. In this way they managed to stand well with both parties.

The parliamentary contest was thus entered upon with the government and the heads of the Whig party, and consequently the bulk of both ministerialists and opposition, in favour of the bill. The Lords, always following the leaders of the two great factions, since those leaders were agreed, were sure to disregard, even on a question relating to religion, any opposition which the Bishops could bring themselves to make to a measure originating with a Tory administration. The battle was lost to all intents from the moment the bill was brought in by Lord Lyndhurst.

At this point, where we turn from the judgments and decrees of the courts to an Act of Parliament which prevented them from being followed in other cases, it is necessary to explain the rules of law which were set aside by this legislation, for not being disputed, they were taken for granted by the Judges and acted

\* Mr Mark Phillips for Manchester, Mr Thornely for Wolverhampton, Mr Scott for Walsall, Mr G. W. Wood for Kendal, and Dr. Bowring for Bolton.

upon by them with scarcely a passing remark, so that a non-legal reader will not from the judgments contained in the foregoing pages, understand their nature, the reasons for which they were laid down, or the greatness of the change produced by the enactment by which they were superseded. Arguments urging the courts of equity to do what was done by the Act of Parliament, and could only be done by it, have been quoted from the Proofs and Illustrations, but without any answers subjoined to the quotations. See pp. 114, 115.

It was, at least tacitly, admitted by the counsel for the defendants, in all the suits of which an account has been given, and by the supporters of the bill in either house of parliament, that according to a doctrine of the law well known, and never before impugned as unjust or unreasonable, no lapse of time was a bar to proceedings instituted by the Attorney-General, as representing the Crown, to bring back a charity to the purposes to which the founder intended it to be applied. The rules *Nullum tempus occurrit regi*, and *Nullum tempus occurrit ecclesiæ*, had been set aside by the legislature, but as yet time did not run against an official information to reform the maladministration of a charity. Cases within the first two rules involved the notion of property, and that might be lost, the last pointed to a duty which could not be barred. For it was the business of the Crown to protect charities, and there was no limit to the time within which it could do so, because there was no remedy for any omission on its part. This indestructibility of endowments seems also to follow from their nature, for they should not exist otherwise than as they were created: and as they are perpetual, the rights attaching to them must be so too, and the remedies for redress of any wrong in the administration of them must be independent of time. It may well be left to a man to protect his own property, and that of his family: and to an official person to preserve the rights of his place and his successors, but it is evident that the protection of the interests of a charitable foundation cannot safely be left to those who partake of its benefits, and half a century may pass before a stranger interferes to prevent any abuses of it. While suits relating to charities are so expensive, and the supervision of them by the crown is matter of theory only, the period for rectifying their mis-appropriation could not be limited without putting most charities in the kingdom in danger. In the *Hewley* case the Attorney-General refused to file an infor-

mation, although the necessity of his doing so was suggested by the Commissioners for inquiry into charities, and the charity had been misappropriated for seventy years before relators were found to undertake the expense, trouble, and risk of the proceedings requisite to remove the trustees. The reason for the statutory limitation in reference to private property is, that it is best for the state that each house should have an owner with sufficient confidence in his title to improve, or at any rate to repair it, and the law therefore prescribes a time after which a title originally bad is rendered indefeasible. One owner is substituted for another by lapse of time in virtue of his adverse possession. But charity property, while it remains such, does not admit of adverse possession. It may be lost to a charity by the trustees of it failing to assert their right to it in time, and any remedy may be only against them; but then it ceases to be dedicated to charity. As long as it remains such, a beneficiary of it can gain no title to it as his own; his enjoyment of it is supposed to be in accordance with the founder's intention; for he cannot put it on any other ground, however wrongful it may have been; a proper object of it succeeding him has the same title that he had, and comes in on the same footing; he can never acquire a right to it, either against the trustees of it, or a beneficiary with a title defeating his. These are not mere lawyers' maxims, they result from the nature of things, and are in perfect accordance with the common notions of justice, property, and charity. Charitable foundations are seen to be, or are supposed to be, useful, and therefore to be encouraged, within limits which experience must apply; but it is obvious that they will never be established if any founder's intention is known to be set aside without the most imperious necessity. A statute confirming charity property to beneficiaries wrongly in possession of it presents to a legal mind an accumulation of anomalies. Its effect is to convert a breach of trust into a right, and continue the trusteeship for the new objects, thus making it impossible for a future trustee to do his duty according to the original trust; to attribute an independent possession to persons having only what lawyers call equitable interests; to recognize an adverse possession in a congregation which is in its nature a fluctuating body; to acknowledge a title by adverse possession without allowing that title to be absolute, merely creating for the new beneficiaries the restricted right of the original ones; and to leave the constitution

of the charity unimpaired in appearance, but to cause it to produce effects the contrary of those intended by the founders.

This will, it is supposed, appear clear as to the Hewley Fund and the General Fund of Dublin, and similar cases; as persons receiving for any number of years a grant of money manifestly cannot gain a perpetual right to it, for themselves or their denomination, since their rights arise only on each yearly vote. The occupancy of a pew, for however long a time, is equally incapable of gaining an indefeasible right to it. Every person not a founder, when one is first assigned to him, knows that the chapel was founded by men of great zeal for their form of religion; and his own sense of right tells him that their intentions as declared in the instrument of foundation or, in its silence, as ascertainable from the practice of themselves or their denomination, must have fixed the doctrines to be maintained and inculcated in their chapel, and that no change can be made in any of them which may properly be considered essential, except under a power expressly given by that instrument or that practice. If he contributes to the expense of rebuilding or repairing the fabric, he cannot suppose that he thereby acquires the right to make such a change, and to set aside the laws which the founders, in either of the ways before mentioned, imposed on their foundation. He knows that by his own gifts he merely shares in his turn the expense of supporting that which a preceding age established, and that his generation will pass away likewise, leaving their improvements for the use of others. The conscience of every single member of the congregation being thus bound, all of them together cannot rightfully, even though there be none at the time to hinder what they may choose to do, give themselves any right or power not previously vested in them. Having had the benefit of the piety of their forefathers or predecessors, they must leave that benefit to others, to be enjoyed by them according to the original foundation; they cannot by any self-derived authority otherwise dispose of what they never purchased. Persons adding to the original foundation cannot gain this power, for they cannot defeat the founder's prerogative, even by greater outlay; their benefactions were at their own option, and were made subject to the conditions previously attaching to the building. The chapel is permanent, and governed by rules independent of the will of its fleeting occupants. The founders themselves, as has been already said, unless they had expressly reserved power to do so, could not vary the purposes to which they once had dedicated

the building, and how can any one of a later generation assume a greater dominion than they acquired? Much less can the mere attendance of families at a chapel, generation after generation, or the further benefit of their having found sepulture within its precinct, make it their inheritance, and give them the power of alienating it from the denomination which founded it. Ancestors, if of the faith to which the chapel was dedicated, testify against their descendants having departed from it: if they had themselves usurped the chapel the wrong ceased with their lives; if they were gathered to their pious fathers in their old grave-yard can they, by virtue of their being the latest gathered to that congregation of the dead, defeat the lawful claimants of the chapel. It is only a false sentimentality that can urge their intrusive occupancy of pew or grave as conferring any right on their disqualified descendants. The true posterity of orthodox founders and worshippers are their spiritual descendants, those who have inherited their principles and their course of action. Only those of the faith of Abraham are to be accounted the children of Abraham. Every one who has known the feelings of a patriarch of the old opinions, whose sons or grandsons had departed from them, can testify that no like-minded man could have endured the thought that the house for God which he had joined in founding, or had endowed, or even its site, should at any time be occupied by persons denying or ignoring the great doctrines which he considered to be the gospel of Christ; and that it would have occasioned him an additional pang to know that some of those who so desecrated it should be his descendants according to the flesh. There can not be a more bitter mockery than for a Socinian of our day to claim such a man's chapel, either as his descendant or the representative of his opinions.

It was also suggested that a congregation should be regarded as a partnership, having the congregational buildings and land and any endowments added to them for their joint stock. This method of viewing a chapel and its founders and supporters is most conclusive in favour of the principles which have been advocated here. There must be some leading inviolable objects of the association, and a fixed intention of securing the pursuit of them by all future partners, or no man would part with his money without reserving the power of withdrawing it for his own purposes, and with the necessity of leaving it at his death for the benefit of the partnership. This notion however, with that of a right through

descent from founders, irrespective of adherence to their opinions, is entirely negated by the case of *Craigdallie v. Aikman*. Both notions seem to have been in the mind of the practitioner who prepared the deed, and he was not aware that they were incompatible with the property he had to deal with. The House of Lords confirmed the decision of the Court of Session, that contributors to the erection or sustentation of the chapel and their representatives could not retain any interest in it unless they professed the opinions to the support of which it was dedicated.\*

\* The notices of this case in the reports and at pp 217 and 419 *supra* need correction. From a perusal of a copy (bearing Mr Aikman's remarks) of the memorial or case prepared on behalf of his friends on the appeal from the Sheriff of Perth to the Court of Session, and other information derived from Perth, it is clear that the petition to the Burgher Synod in 1797 which caused the settlement, such as it was, of the question as to the power of the civil magistrate in matters of religion was not presented by Mr Jarvis or his friends, but that the rejected preamble was suggested by them; and it cost them the chapel. No doubt they proposed it, as the Synod voted, for peace sake only, and to avoid impugning the old standard; but the Court of Session insisted unanswerably that their preamble had substantially the same meaning as the Synod's, and therefore the appellants were not to be heard when they insisted that the respondents had forfeited the chapel by adhering to the one, when they themselves had been the authors of the other. The appellants struggled in vain to get rid of the effects of this one false step, the courts held them to it rightly; it no doubt occasioned the passing of the Synod's preamble, otherwise they might have urged that an offer made in mistake, and rejected, should not prevent the charity property being brought back to its proper use, at their instance. The Judges of the Court of Session seem, from a print of the Lord Justice Clerk's remarks, to have resented the appellants' opposition to the vote of the Burgher Synod, as treason against Presbyterianism, and as setting up Independency, which his Lordship carefully observed the men of the Westminster Confession condemned equally with prelacy or popery. The reporter's marginal note, given at p. 423, showed that he considered the judgment of the court below as affirmed in this respect, though Lord Eldon's observations do not touch on the matter. If they had, they would have borne upon the Clough and Killinchy cases.

The record which came to England did not give Lord Eldon the information which the Court of Session had, and so he could not understand how the respondents could be held wrong on the showing of the appellants; but as he recognized the substantial agreement of the two preambles, so he certainly must have seen that both of them were simple down-right contradictions of the sentences in the confession to which they related, and it is to be wished that he had given his opinion on the question, whether the forfeiture of the right to the chapel must have followed a wrong opinion on a point so utterly immaterial in the Burghers' creed as the power of the state in matters of religion. They became entangled in the difficulty only by blindly taking up the old national standards, without making conscience of the points here remarked upon, as the Reformed Presbyterian Synod and the Free Church of Scotland are, by their history, compelled to do. The principles of the Secession would seem not such as to require a separate body to uphold them in their purity; but the Synod of United Original Seceders do not think so.

The contest between the parties at Perth is relieved from the air of absurdity which the reports of the hearings in England had cast over it, when we know the circumstances connected with the rejected preamble, and we could wish that poor Lord Eldon had been saved the labour with which he read and re-read both preambles, in natural amazement how any person agreeing with either of them could apply to a court to dispossess of a chapel those who adhered to the other.



The law stood thus when Sir Robert Peel's last administration, in the midst of its career, before the Irish famine, and while it was still supported in both Houses by overwhelming majorities, came forward to prolong the existence of the Unitarians as a separate denomination. With regard to most of their chapels in England, when the stipends of the ministers and the size of the congregations are considered, it may be considered that, with some twenty exceptions, they would not have had both the will and the ability to pay the value of the old meeting-houses in their possession, even after all due allowances for monies spent upon them by Socinians. The contrary supposition would have destroyed the only excuse for themselves in seeking the act, and for the administration, affecting to be the sole friends of religion, and the parliament, calling itself Conservative, which granted it. In Ireland, all their chapels, it is believed without an exception, had been built by Trinitarians, or in replacement of previous chapels built by them.

7th March, 1844. The bill was brought in by Lord Chancellor Lyndhurst, and read a first time.

It recited that meeting-houses for the worship of God, and schools, and other charitable foundations, had been founded in England for purposes beneficial to Dissenters, which were unlawful before the passing of the acts of 1 William and Mary, for toleration; 19 George III., for abolishing subscription; and 53 George III., for relief of non-Trinitarians.

It enacted, That the recited acts should be construed as if in force at the time of the foundation of the meeting-houses, &c.

That in all cases in which no particular doctrines should, by express words contained in the trust deed of any such meeting-house, be required to be taught therein, the usage of the congregation for years before suit should be conclusive evidence of the doctrines intended to be promoted by the founders.

That the act should not affect any decree already pronounced, or any property in suit on 1st March, 1844.

8th March. Lord Brougham presented petitions from the Remonstrant Synod and the Presbytery of Antrim, praying that Ireland might be included in the bill.

12th March. Lord Cottenham presented similar petitions from the Strand Street and Eustace Street chapels. The Chancellor said he had brought the bill in for England because he knew the case as to the chapels there, while he had only a general know-

ledge of it as to Ireland, but that he should have no objection to the appointment of a committee to inquire into the matter as regarded that country. Lord Cottenham engaged to nominate the committee in two days.

14th March. A committee of eighteen was named. It consisted of the Archbishop of Canterbury and the Bishops of London and Exeter, seven law lords, (being all in the house except Lord Wynford who alone of them opposed the bill,) and eight others. Of these last the Duke of Wellington, the Earl of Ripon, and Lord Wharncliffe represented the ministerial side of the house: all eight voted for the bill except Lord Glenelg; and Lords Normanby, Fortescue, Lansdowne and Monteagle, at one time or other, spoke for it.

15th March. The committee met, determined unanimously that it was not necessary to hear evidence on the matter, and agreed to report that any measure passed for England ought to be extended to Ireland. They reported the same day.

The bill, as brought in, did not extend to Ireland, although (see p. 484) we have Sir Robert Peel's statement that it was kept back a year purposely for consideration of the Irish cases, and the government had, during that year, explicitly pledged themselves to the Unitarian committee to introduce it. The petitions from Ireland, presented on the day after the bill was brought in, prove that the heterodox party knew beforehand that it would not apply to Ireland; so that the whole plan was arranged between them and the government. On the presentation of the second petition the Chancellor suggested a special committee: and an opposition peer undertook to name it at the next sitting of the house, he did so; and they reported next day without hearing evidence. The Chancellor when he consented to the committee, according to his own account, had only a general acquaintance with the subject; and in order that letters might be exchanged between London and Dublin respecting it, it was necessary that the post should not be lost on the night the committee was first talked of. The government might, perhaps, obtain the information, but it is certain that there was not time to forward from Belfast a petition for the Synod of Ulster to be heard before the committee. Even if the Bishop of London was in the house when the committee was named it would be most unlikely that he could attend the next day; it does not appear that he did so, and then there was no lord on the committee to insist on the House being put in posses-

sion of all the facts of the case, in opposition to the law-lords who had arranged their plot beforehand. True, the committee might see without evidence that what was proper for England was proper for Ireland, but the idea, if self-evident, must also have occurred to the government; and their conduct in omitting Ireland from its provisions could not have been occasioned by any honest purpose. If a proper committee had been appointed, and due notice of their sitting had been given, the Irish Presbyterians would have been heard by counsel against the bill, and the whole case as to England and Ireland would have been disclosed to both Houses of Parliament. As it was the committee was an impudent farce, as far as any enquiries by it went; but it was a select committee reporting in favour of the bill, and rendered it almost impossible to obtain another special committee respecting it. This step once gained in the Lords, the bill being a government measure, might well be considered safe. It was opposition from the Irish Presbyterians at that particular stage which the administration feared, knowing the English Dissenters too well to trouble themselves about their opposition. Therefore Ireland was omitted at first, and afterwards smuggled in.

22nd March. Lord Campbell presented the first petition against the bill; it was from the Presbyterians of Stafford. One of the old meeting-houses was in that town, and after it had been sometime shut up, a Scotch minister, about forty years ago, persuaded the persons in charge of it to give it up to him as a Presbyterian. Peculiar circumstances had from time to time prevented the Independent chapel there from having had a chance of succeeding, so the Scotchman found a county town in England, in which Independents had not taken root, and which furnished him with a chapel gratis. His friends rebuilt it, and they have done very well there. This petition in opposition to the bill was no doubt entrusted to Lord Campbell, as being the son of a Presbyterian minister, as well as having being long connected with the local and general politics of Stafford, but he made use of it (in a manner the most adverse to those who entrusted him with it) only to say that there was great anxiety about the bill, and he hoped it would not be delayed. Lord Lyndhurst could not help noticing how rare a thing it was for Lord Campbell to agree with the ministry, and promised the bill should be read a second time immediately after Easter. If the second reading had been before

Easter, it would have been talked about during the recess, and so put in greater danger.

18th April. Lord Normanby, who as yet retained in some degree his prestige in Ireland, on presenting petitions, some in favour of the bill and others against it, announced that his present opinion was in favour of the bill, but that he should be guided by the Chancellor's speech when the time came for it. He could hardly have served the bill better.

26th April. The Marquis of Lansdowne, the leader of the opposition, on the day of the second reading, presented petitions in favour of the bill from members of the establishment, and from orthodox dissenters. Dr. Priestley was for seven years "librarian and philosophic companion" of his lordship's father.

The bill was read a second time without any debate, and committed for that day week.

It was matter of arrangement between the lords who took the chief parts in supporting and opposing the bill that the debate should be taken on the House going into committee, but the fact that a bill affecting, in such a manner, property belonging to religious charities, in so many parts of England and Ireland, was read the second time without hostile remark, shows in some degree the power of the administration. After times will however be able to form only a very feeble estimate of the power which this administration of Sir Robert Peel exercised over the House of Lords, through the Duke of Wellington and Lord Lyndhurst; no measure of theirs would have been even delayed in its progress through the Upper House by any debate, however damaging; and when, as in this case, the opposition peers were also in favour of one of their measures, (only six Whig Lords voted in one minority of forty-one, and one in another of nine,) its passing was a matter of course, indeed a matter of form. The first clause of the bill in question, being a substantial act of justice, and the Bishop of Exeter standing alone in his opposition to it, might well, of itself, prevent a division on the second reading. No doubt also there was hope of the many objections to the whole scheme, and the difficulties of various parts of it, becoming manifest in committee, and it was thought best to defer a division until all the circumstances of the matter legislated upon had been elicited.

May 3rd. Many petitions were daily presented for or against the bill, and among them one by Lord Brougham from twelve Socinian ministers who were respectively of 62, 57, 55, 54, (3) 53,

52, 44, 42, and (2) 40 years' standing. They stated that they had been for a long series of years ministers of Anti-Trinitarian congregations, and that all had been led to understand that their meeting-houses "were fully secured to them as their rightful possessions under the sanction of the law," that large sums of money had been expended on them on that understanding, and they "attested that until a comparatively recent period no question as to their right of such occupancy had ever been raised by any of the differing classes of Dissenters." They spoke of their body of Dissenters as non-subscribing, as if that epithet were distinctive of them, forgetting that the Independents and Baptists were just as much non-subscribers as they were; and they did not show any moral right to the property claimed.

After the presentation of these petitions the Lords went into committee, and the Chancellor stated the nature of the bill, which he called "a moderate and scanty measure of justice, which had met with a clamorous opposition." The following sentences on the left half of each page contain the pith of his speech in his own words, and remarks in answer are added on the right hand half. This method has been adopted, not only for economy of space, but for easy reference.

Now my lords, with regard to that which is the material point to which the opposition to this bill is directed, I must state to your lordships what the nature of the provision is. Nothing can be more simple. A place of worship is established by a deed, or by the will of some benevolent person, that place of worship has been established for a period perhaps of a hundred and fifty or two hundred years. For a long period of time, thirty, forty, fifty, sixty, or seventy years, the congregation meeting at that place of worship have entertained the same religious opinions and doctrines. No change whatever has taken place during that period. It is a matter of speculation what was the religious opinion of the founder.

He has not in his deed of trust, or in his will, declared what the doctrines and opinions were which he was desirous of having preached and inculcated in that place of worship. Why are we not to take the uses that have prevailed for so long a period of time as evidence of what his original intention was?

All except a few which were situate in villages and are now for the most part extinct, were built by congregations, and not by individual persons; this was stated by some of the speakers, and great stress is laid upon the fact by the Socinian editor of the debates. If the opinions of an individual founder could not be proved, though there could not be any rational doubt as to them, the opinions of the body were well known. Allowing that Socinian notions had been prevalent for sixty years, and that these had been preceded by forty years of Arianism, there were left fifty or a hundred years (in the cases alleged) of clear undoubted orthodoxy which, according to law and fairness, should determine the opinions to the maintenance of which the chapel was dedicated.

There was no need of this being done; all Dissenters, except a few General Baptists, were Calvinists and Trinitarians, and understood in that sense the Anglican Articles, which their ministers subscribed.

If in a deed he has declared his will and intention for a particular doctrine to be preached and inculcated in that place of worship, to that state of things this clause does not apply; but it does apply to a state of things such as I have mentioned, where he has not laid down in terms what were the particular doctrines that he wished to be preached in that particular chapel, or what was the precise object of its foundation.

If parties have uniformly from time to time during a long period continued the same uniform and consistent usage with respect to religious worship, and with respect to the doctrines preached in that place, I ask your Lordships whether it is not reasonable to take that usage as evidence of what the intention of the founder was, and not to allow the title of the occupants of the chapel, under such circumstances, to be impeached in a court of justice.

My noble and learned friend who sits near me, [qy. Lord Brougham] on a former day stated the principles upon which this bill is founded.

It is a principle known to our law, which is, that uniform possession during a long series of years establishes a title. That is a great principle in our law, and in the law of every civilized country, a principle which we have drawn from the wise jurisprudence of ancient Rome. That principle we apply to our estates and our civil rites; why should we not apply it to a case of this description?

Parties value their rights in property of this nature perhaps more highly than property of any other description.

The place with respect to which the question arises, may have been the place of religious worship frequented by their forefathers for a long series of years. The burial ground attached to it may contain the ashes of their dearest relatives and most valued friends. Is it not, therefore, most material and important that that principle which we apply to civil rights should be applied also to this mixed description of property.

The law (we are dealing with matters after the Revolution) secured his presumed intention without his declaring it. Lord Somers or Lord Cowper would have said so, if Dissenting chapels had been so long known as to have become perverted in their time. We have here the admission that the law respected founders' declared intention, and no Chancellor would have said it did not respect his presumed intention.

The founder's intention is shown by the doctrines preached in the chapel in the period following its creation. These, in many instances, were known from the writings of the first ministers, or notices of them by their contemporaries; or the circumstance that nothing is recorded of them beyond their names is proof, at that time of general orthodoxy, that they were orthodox. There is therefore no reason, if the founder's intention is to govern, to resort to a later period, the usage of which could not raise the slightest presumption in opposition to the considerations here stated. The title of the occupants must be bad if not supported by the primeval usage.

It is amusing to find another lord anticipating the Chancellor in his exposition of his measure. If Lord Brougham were the expounder, his speech shews that he misconceived what was being done.

In the case of charity lands there are two titles; that of the trustees liable, like any other, to be barred under the statute of limitations by adverse possession; and that of the beneficiaries which, while the trustees' title continues, is unaffected by fraud, mistake, or lapse of time, and can be revived at any time by a court of equity.

They do, and that was a reason for not changing the law on the subject.

The phrase "mixed description of property" refers to that which really is no property at all.

I ask your lordships if, with respect to all our civil rights, if with respect to the property of the Crown, and if with respect to the property and rights of the church, this rule is to be applied, why should it not be applied in the particular case which is now the subject of your lordships' consideration? If persons have been in possession for a long series of years of property devoted to the worship of the Supreme Being, and that worship has been carried on in a particular form, inculcating particular doctrines, why should not that establish a right as indefeasible as the right which is established in the particular cases to which I have referred?

My lords, this is the principle of the bill, this is the principle upon which it was founded, as was shortly announced by my noble and learned friend on a former night; and this is the short principle upon which I now rest the bill. Now, what is its practical operation and effect? The clause does not apply to a case where the foundation has in it terms of express trust, stating the particular doctrine which is to be preached and inculcated in that place; and why? Because in that case a departure from those doctrines and opinions must be a wilful departure from the opinions and doctrines that were intended to be inculcated by the founder.

But where no such limitation has been imposed, where nothing of that kind is to be found in the body of the deed, where you are to be left to conjecture from the particular opinions of the founder, and from various collateral circumstances, what his intention was; it is for the purpose of obviating the necessity for such inquiries, for the purpose of preventing litigation of the most expensive and difficult kind, and for the same legitimate purpose for which statutes of limitation have been imposed, that this particular clause has been introduced into the bill.

Now mark, my lords, out of what this bill originates. The circumstances I am about to detail with respect to a very important case, not coming within the operation of this bill, but throwing light on the species of inquiry which would be necessary, if your lordships should not think proper to pass this bill, will satisfy you to demonstration as to the necessity for

This mention of the Crown and of the Church suggested the natural enquiry, Why Dissenters should have this great advantage, which the nation at large (the Crown), and the very church itself have been deprived of; and was calculated to enlist the feelings of every lord in favour of a bill which would deprive Dissenters, (who had scarcely a friend in the House,) of such an advantage over the establishment. The Chancellor should have explained the difference of legal and equitable titles, and the different estates of the beneficiary of a charity and an equitable owner, and he should have shown the different natures of suits for recovery of land, and of those for correcting the administration of a charity estate.

This is an admission that justice forbids the limitation of the time within which a trust for the promotion of specified doctrines should be judicially construed and enforced. But a trustee's conscience ought to be equally bound by the founders' practice where power of change is not expressly given him. Common honesty would tell him, when the founder has said nothing, to ask what he did.

It is a most astonishing thing that Lord Lyndhurst should have forgotten that the decision in the *Hewley* case was that the particular opinions of the founder, if unexpressed, were not to be regarded.

There can be no difficulty in ascertaining the opinions of a numerous religious denomination, and as to the Presbyterians that had been done both for England and Ireland.

His lordship admits that such a case as *Lady Hewley's* case would not come within his bill when passed; why then did he mention that others of the same nature were pending, since they also would not have been affected by it? The only one like it was the *Attorney-General v. Drummond*, which was heard on an appeal in the House of Lords five years after-

this measure. I mean the case of Lady Hewley's charity. Give me leave to say, my lords, that that is not a case standing by itself. There are several other cases of the same nature now pending, many more are threatened, whereby much litigation and extravagance of expense will be incurred. I call all these circumstances to your lordships' attention and recollection, in order that you may see the consequences of rejecting this part of the bill to which I am now adverting.

Now, my lords, what was the nature of that case? In the deed by which the charity was founded, there was no express declaration of the doctrines which she (the foundress) intended to be inculcated in that establishment. There were vague and general terms, I admit, and what was the consequence? An information was filed in the Court of Chancery. It was necessary to enter into evidence of the most complicated, refined, and difficult description, first to ascertain what the religious opinions of the foundress were. The evidence went to show that she was a Presbyterian. A vast body of evidence was necessary for that purpose. Then there was another body of evidence for the purpose of showing what were the particular religious opinions of the Presbyterians of that day, a vast body of refined evidence, conflicting evidence, historical evidence, the testimony of one set of men opposed to the testimony of others.

Lady Hewley's trust was vague, not being confined to Dissenters, and hence the difficulty respecting it, but the effect of the case is the very contrary of what his lordship affected to prove by it; it is clear that the expense incurred in that case needed not to be incurred again. The broad decision was that, down to 1707 at any rate, the English Presbyterians were Trinitarians; and the proof of that fact given in the case was brought down to 1720 as much as it was to 1707. That case would have had another effect. Trustees defending a suit in defiance of it would not have had their costs allowed them, and after another case or two would have paid the costs of the other side, see p. 456. Judges as yet encouraged the defence of such suits, but they would very soon have turned round on this point; and they would also have made the defendants answer fully and honestly. Litigation, in a short time, would have been unnecessary, or cheap to the charities. The Attorney-General said there were no English, but only Irish, suits going on. The only proof of threatened proceedings as to English chapels is a note in 11 Simons, p. 616. There might be public threats, but no instance is given of their being used in reference to any particular chapel.

The Judges had no difficulty in arriving at the conclusion that Lady Hewley was one of the English Presbyterians, and that they were all Trinitarians; and the reader can judge of the evidence from the quotations from the Proofs and Illustrations, and the answers given to them here. The decision was that, the matters in dispute being historical, Judges were supposed to be acquainted with them, and counsel needed only to quote from books in support of their arguments; as the defendants in all the cases which we have been considering did.



The case was brought before this house. It was argued, I believe, for fifteen days at your lordships' bar. Arguments of the most refined and difficult description were brought forward. Your lordships confirmed the judgment pronounced in the courts below. My lords, what has been the result? . . . that the question arose, Who were the parties that were entitled? What were the religious opinions of Lady Hewley, and what the religious opinions which she thought ought to be taught in that chapel? Many candidates came forward. The Presbyterians said, It applies to us. The Independents said, It applies to us. . . . The cause is not yet determined. . . . I have taken pains to inquire into that which is a very important part of the concern, the costs come out of the charity. . . . The costs up to this time amount to very nearly £30,000.

But, my lords, there is another class of cases where it is still harder. We all know that about seventy years ago, and down to the present time, chapels for religious worship have been established by mutual subscriptions, and trustees were appointed to continue the title. Who are the persons at present in the enjoyment of those chapels? The descendants of the original subscribers; and they are to be ousted because in the lapse of time (there being no direction in the trust deed) they have departed from some of the principles and doctrines held by the original subscribers, there being no test by which to know, with accuracy, what their particular opinions were, although the persons now in possession have for a great number of years, acted uniformly and consistently with respect to their own religious belief, and with respect to their form of religious worship. What can be a harder case than that? The subscribers have met in the chapel that was built at the expense of their fathers. The relatives and connections and friends are buried in the ground attached to the chapel. Are they to be

His lordship magnifies the time, the argument occupied six days. It is surprising that his lordship had so far forgotten the nature of the case as to suppose it also related to a chapel.

His lordship here exaggerates again. The costs up to the time he spoke were not £10,500, including more than £4,000 of costs incurred in the contest with the Scotchmen. £2,200 of costs connected with receivership are not all to be put down to the litigation, as there would have been expenses attending the management of the estate by the trustees, and many matters were, without doubt, authorized by the court, which the trustees could not properly have done without its sanction.

This statement of the last seventy years as the period within which the chapels were built, is singular, as the commencement of that period is very near the time at which any of the congregations first became Socinian.

The change of doctrine being admitted, the misappropriation of the chapel is admitted also.

The deeds relating to the Wolverhampton chapel alluded to the Toleration Act, and to the doctrines it sanctioned, so that it excluded Socinians; but that case was defended as bitterly as any other. Many Presbyterian deeds will be found to make similar references.

See p. 495.

The opinions of a particular congregation did not need inquiry if the trust-deed denominated them as Presbyterians, for the Attorney-General v. Shore had

turned out to make way for strangers, because by conjecture, by plausible arguments, and by acute reasoning, you may come to the conclusion that the opinions of the founder of the chapel were different from the opinions of those who now frequent the chapel, and that he intended that those opinions should be the opinions inculcated in that particular place of worship?

I told you in the outset that all it was necessary for me to do was to make a plain and simple statement of the facts of the case, of the objects of the bill, and of the evils which it was intended to remedy.

The object is to quiet titles, to legalise that which may perhaps, after long enquiry and expensive litigation, ultimately turn out to be doubtful, and to prevent litigious individuals (professional men) looking to these charities as the prey upon which they are to feed, from instituting for their own particular and selfish purposes proceedings of this description. I am conscious that the great majority of your lordships will support me.

decided that the word excluded Anti-Trinitarians. The Trinitarian and Calvinistic opinions of the founders of all the chapels built before 1720 are as certain as Lord Lyndhurst held those of Lady Hewley to be; indeed the Proofs and Illustrations intended to shew the contrary establish the point; yet Lord Lyndhurst's and Sir William Follett's reasonings are based on the assumption of the uncertainty of the matter. Thus, by implication, they admit that if the founders' faith were undoubtedly Trinitarian, the chapels ought to be restored to it.

This insinuation, at the end of his speech, that it might prove doubtful whether the Socinians were, after all, disentitled to the chapels, is most unworthy, after the full hearings and unanimous decisions in so many courts, including the House of Lords. Did his lordship, on that occasion, say nothing at all, and did Lord Cottenham (who had not previously given his judicial opinion) say so little, in consequence of a determination on their parts to minimize as legislators the effect of their decision as judges, and of the consciousness that they could not otherwise avoid uttering opinions which might defeat their complot? As to attorneys instituting proceedings for the sake of fees, Lord Lyndhurst would not have said there had been any trace of this in Messrs. Vizard and Blower, or Mr Macrory; and the nature of a suit for a chapel almost precludes its being unnecessarily instituted. The defendants in the Attorney-General v. Shore were only too indulgently treated by the relations; and Mr Macrory offered to take out of pocket costs only in the Killinchy case; but the chief encouragers of litigation were the judges in giving unsuccessful defendants their costs up to decree.

Lord Lyndhurst's incorrectness in his speech is most remarkable when contrasted with the care and exactness manifest throughout his judgment at p. 311, which was delivered without a note. A man of his wonderful powers could scarcely have made all the misrepresentations of which he was guilty through mere forgetfulness; nor could carelessness alone have led him to confound the effect of usage as evidence of founders' intentions,

and therefore of original right, with its effect as amounting in his notion to possession adverse to that right. It was also unfair in him to dwell on the Hewley charity, which it was never disputed comprised all English Trinitarian Dissenters, as on the same footing with the meeting-houses, which must be used for one form of worship and one system of doctrine at a time. He gave the impression that the trust deeds of the chapels were as vague as the phrases contained in those of Lady Hewley's foundations. He ought to have recollected that in bringing in the bill he was acting as Minister of Justice; and he should at least have stated how the law stood as to charities, and the opinion of the Judges as to the merits of the cases he was legislating upon, particularly what they had unanimously ascertained to be the doctrines of the Presbyterians of the Revolution.

The Bishop of London, Lord Brougham, the Bishop of Exeter, and Lords Cottenham, Campbell, and Teynham also spoke. The Bishops opposed the bill as earnestly as if the possessions of the establishment had been attacked, though they could not be expected to understand or enter into the case as fully as Lord Teynham. A writer in the Presbyterian Reporter represents the Duke of Wellington as listening with great attention to every speech but his lordship's, but it is to be hoped that this was incorrect, and that his grace was not so unjust as not to give attention to remarks which explained every part of the subject. Lord Teynham pressed on the Lord Chancellor his own words, to be found at pp. 311 and 312, "In every case of charity, whether the object of the charity be directed to religious purposes, or to purposes purely civil, it is the duty of the court to give effect to the intent of the founder, provided this can be done without infringing any known rule of law. It is a principle that is uniformly acted upon in courts of law and equity. . . . It can scarcely be necessary to cite authorities in support of these principles, they are founded in common sense and common justice." Lord Teynham asked, "Is there any wisdom in a noble and learned lord, I speak with all respect for the noble lord personally, and only allude to his argument, is there any 'common sense' or 'common justice' in saying that that which is proper for a Judge to say when sitting in a court of equity is a matter which it is proper afterwards to alter by expressing a different opinion when it comes before him in the character of a legislator?" The reasons urged against the bill by the Bishops will be found

well expressed in the Bishop of Exeter's protest in the appendix.

Lord Brougham, until set right by the Bishop of London, contended that the "bill did not propose to enact that the doctrines which have been promulgated during the last thirty years shall be deemed conclusively to be the doctrines which were entertained by the original founder": admitting that the usage of the first thirty years was the true test. He also said that he could have wished that the bill "had put a stop, to litigation in other cases where actual possession for thirty, forty, or sixty years could be proved, even though there had been a will of the founder, and though the principles upon which the founder desired his charity to be administered could be proved in evidence before the court." That Lord Lyndhurst wished to do this is shewn by his calling the bill a very moderate and scanty measure of justice.

Lord Cottenham seems to have explained the rules limiting the time within which equitable interests could be claimed, but not to have pointed out the peculiar natures of the respective interests of trustees and beneficiaries of charity estates; but what he said is evidently badly reported; and he admitted "that against the Attorney-General no time will run, for he represents the trust." His explanation of the trusts in chapel deeds for "Presbyterians" or for "Protestant Dissenters" was: "When therefore we find no trace of any particular doctrine we must be guided by common sense, and believe that they did not put forward what their doctrines were, to avoid the penalties of the law; or else that it arose from their being members of a body of persons who thought the best course was not to have any particular creed, but to leave each member of the congregation to form and entertain such opinions as he thought right." These surmises will be disposed of in remarks on Sir Robert Peel's speech. His lordship also said that trustees of a chapel could not give it up to Trinitarians without a suit for it, which would cost more, in most cases, than the chapel was worth; he should have seen that, as suggested in the Commons, a cheaper procedure should have been devised for adjudicating upon such small charity estates, and that trustees litigating a clear case should pay the costs. The necessity which all the Judges, in one suit after another, considered themselves to be under of giving trustees their costs, even to the annihilation of the charity, instead of making the defendants in the later suits pay the costs of both sides, gives an unfavourable notion of our

jurisprudence. The ground on which the suit as to the Wolverhampton chapel was decided should have saved it from being sold; yet if the proceeds had been sufficient, the trustees would have been relieved of part of their expenses. He certainly was wrong in saying that many chapels in Ireland would be affected by the bill, as the number of them very little exceeded thirty. He stated that no one was injured by the prevention of such suits, as if the perversion of Trinitarian endowments to propagate Socinianism was no evil; as if justice to founders did not require the fulfilment of their intentions; and as if it were no wrong that men of their opinions were driven to build another chapel, or the denomination to allow itself to become extinct in the place. He also complained of the Attorney-General being put in motion by persons not belonging to the congregation, as if the denomination were not interested in the matter, and as if the state and the public should renounce all right of interference with religious endowments. Sir Edward Sugden did not entertain this objection, see p. 465.

Lord Campbell said that he had been one of the real property commissioners, at whose suggestion the statute of William IV. for the limitation of actions was passed, and that the bill provided, in full accordance with the principles of that act, for a case omitted in it. Nothing however that he said at all relieved the bill of its anomalous character. He quoted the sentence at p. 465, beginning "whether it is advisable," and stated that the Irish Chancellor was keeping back several cases, that they might come under the operation of the bill.

There was no division at this stage.

9th May. The bill was read a third time, and on that occasion there was a division of 41 to 9, after a short debate, (between the Chancellor, Lord Mounteagle, and the Earls Fitzwilliam and Minto on one side, and the Bishop of Exeter, the Earls of Winchelsea and Mountcashel, and Lords Kenyon and Teynham on the other;) and Lord Cottenham\* then carried,

\* Lord Cottenham never had a notion in this case beyond what he found in the brief which he held as leader for the defendants in the *Attorney-General v. Shore*, before the Vice-Chancellor and Lord Brougham, although he found himself compelled to follow the opinions of the Judges, and to move the dismissal of the appeal. He showed his zeal by sitting as a judge, although he had been engaged in the cause, in all the courts below, though not in the re-hearing in the last court. He took his revenge for his failure as an advocate, (his expressions stated in the last page show his opinion), and for his having, notwithstanding that opinion, Balaamlike to speak in favour of the relators, by playing in the debates the part of *ame damnée* to the magicians whose enchantments prevailed. He moved the appointment of the special committee

without a division, an amendment giving the Courts power to stop all suits within the scope of the act which were then pending. Lord Cottenham, and a petition from the Dublin chapels which were the subject of the informations, suggested between them, as precedents for the clause, the acts staying actions for penalties under the clergy residence acts and the horse-racing acts. It was with such an excuse that cases in which proceedings had been instituted were brought within the mischief of the bill, without any previous intimation to the parties connected with them. No four Jew attorneys could have played a smarter trick.

The bill as it left the Lords enacted that the doctrines which the founders of a chapel intended to promote should be determined by the usage of the twenty-five years preceding a suit instituted to determine the question. Lord Brougham might well, when reasoning on the matter, disbelieve that such could be the method which this junta of Chancellors had devised. He saw, for the moment, that it was mere perfidious hypocrisy to recognize the authority of founders, and by so inept and unlawyer-like a device to get rid of it. Yet four men who were, or had been, Chancellors were eager thus to palter with the law governing trusts, those trusts relating to charities, those charities being connected with religion, and the points of religion thus surrendered to attack, in the places of worship consecrated to their support, being recognized, as the cardinal and distinctive doctrines of Christianity, by all creeds and confessions alike, Greek, Latin, Protestant and Reformed.

10th May. The bill was sent down to the Lower House, and having been read a first time on the motion of the Secretary to the Treasury, Sir Robert Peel himself immediately set it down managed its proceedings, and after the third reading added the proviso bringing the Dublin chapels within the act. These were among his greatest feats in debate; incomparable as he was as a Judge, his deficiencies on the Woolsack were foreseen, and it was intended to supply them by appointing Mr Bickersteth as his successor at the Rolls, and giving him a peerage, but he, proving the worse of the two, was accused of having swindled the ministry. Lord Cottenham had the distinction of being the only English lawyer of modern times who, without rendering political services, raised himself to an earldom. Lord Brougham had the credit of a pamphlet which protested that he was overpaid, although he was wont to attribute to himself the merit of having suggested his appointment as Master of the Rolls. Lord Cottenham, with regard to the bill with which we have to do, supported his character, that whenever he did go wrong, no man went so wrong. Lord Lyndhurst must have chuckled to see his phlegmatic and cautious opponent volunteering to do so much dirty work, in support of a measure not introduced by his own party. We shall see other shrewd turns which Lord Cottenham did the Independents when he had the power.

for the second reading on that day week, notwithstanding Mr Hindley's objection to the earliness of the day.

14th May. Sir Robert Inglis remarked that the members had not received the print of the bill twenty-four hours, and applied for a longer time for the second reading, but all Sir Robert Peel would do to meet his views was to undertake that it should not come on after ten o'clock.

16th May. Sir Thomas Wilde pressed for postponement till after the Whitsuntide holidays, and Sir Robert Peel attempted to arrange that the bill should be read a second time without opposition, and the discussion taken at a further stage. Lord Jocelyn met this by the remark that many Irish Presbyterians were waiting in town for the debate. Dr. Bowring in turn reminded Sir Robert that many also were anxious for the passing of the bill.

17th May. The exposition of the principles of the bill was committed to Sir William Follett, the Attorney-General, who, in addition to being the leading advocate of his time, was unrivalled among lawyers as a favourite with the house. This was the last year of his life, and he did little after the session; he was present at only two out of four divisions, and left the support of the bill in committee chiefly to the Solicitor-General. Sir William was of an Arianized Presbyterian family, so numerous sixty years ago at Topsham, near Exeter, that it was then said that if a Follet died half the town went into mourning. He showed his acquaintance with Socinian views and practices.

Any person who knows the history of dissent in this country knows that large bodies of Dissenters have at all times repudiated subscription to particular articles of faith and the profession of particular creeds: the refusal to subscribe, or to be bound by any particular profession of faith, has been the very bond of union between them; and these persons would have shrunk from imposing any such burthen on their successors, but would have allowed to them the same liberty they claimed for themselves, and to appeal for their faith to the Bible alone; and if, therefore, you do not find upon the face of the deed itself a statement that the charity is intended permanently for the benefit of the doctrines of a particular sect, it is a gratuitous assumption to say that the intention of the founder was that its benefits should be confined to those who followed the faith which he professed.

This is true of the Independents only, p. 30, not of the English Presbyterians, previous to 1717, see pp. 31, 106, 189.

The bond of union must be some doctrine jointly believed, whether embodied in a formula, or left to a man's own expression of it. See Sir Edward Sugden's remarks, pp. 442, 443, 475, see also p. 51.

No trace of latitudinarian notions at all consistent with such an intention is to be found before 1717 among English Presbyterians. See how Sir E. Sugden construed deeds not referring to doctrines, pp. 448, 475, considering that construction dictated by the nature of things and common sense.

But, again, where you find a congregation making a purchase of land for the purpose of building a chapel, and it sufficiently appears upon the face of the deed that they intend that chapel to be used for the purpose of promoting the doctrines of a particular sect, with such a chapel this bill will not interfere. This bill will not interfere in any case where it appears upon the deeds creating the trust that the trust was intended for the furtherance of the doctrines of a particular sect.

A trust for a denomination is a trust for the doctrines of that denomination, and the statement which Sir William here makes seems an admission that the bill was wrong in principle as regarded chapels dedicated to Presbyterians by name, p. 442. As to those dedicated generally to "Protestant Dissenters," (see p. 452), they were held in trust for the body formed by the Associated Presbyterians and Independents, whose doctrines and form of worship were alike, and who received indifferently ministers of either name as pastors, (see p. 459); the only difference between them being that the power in one body was with the communicants, and in the other with the seatholders, who were communicants almost as of course, a distinction which, to any but congregationalists, will appear immaterial.

The phrase "Presbyterian" or "Protestant Dissenter" at that time defined doctrine just as much as a reference to the Church of England would now. If that enjoined its faith in its prayer book, much more clearly and powerfully did the other body testify to theirs by their hymn books, p. 36, and the use of the Assembly's Catechism, p. 34. Further, Irish Presbyterians, in the north at least, betokened connection with the Synod, which evidenced its doctrines by its acts to be found pp. 372-383, or with the Presbytery of Antrim which, at its formation was orthodox, pp. 377-425. Yet in all the speeches in support of the bill this argument, which was wanting in the English cases, was forgotten, and the Irish chapels were scarcely referred to except, when it suited the purpose to tell a tale as to the Strand Street Widows' Fund, and Mrs. Armstrong.

It is amusing to read that Sir William Follett, after all he could make of the matter, came to the conclusion that all Unitarian chapels were built by men of other opinions. His meaning seems to be that they were built by congregations to accommodate themselves and follow their own fancies. On the contrary they, if any churches anywhere, were built for the glory of God and the good of men. The Act of Uniformity was directed as much against evangelical religion as dissent, and the main design in erecting the chapels was to perpetuate the religion of the Reformers and the Puritans, in opposition to Popish and Arminian errors.

Unitarian chapels are not founded (I speak now generally) by an act of benevolence, or by parties wishing to establish a particular faith. These chapels originate, generally speaking, I believe I may say universally, in this way. A congregation dissenting from the Church of England wish to establish a place of meeting, or a chapel, for their worship. They form together a voluntary association, they subscribe funds, and with those funds they purchase land and build a chapel. . . .

Who is it, let me ask, that appoints the ministers of those congregations? because one of the breaches of trust alleged is, that the trustees have taken this proper-



ty in trust to appoint ministers who should profess a particular faith, and that they have handed it over to ministers of a different religion, and that thus the congregations have come to profess a different faith from that which it was the intention of the founders to promulgate. Who appoints the minister? Not the trustees, but the congregation. Who provides his stipend? Who removes him? Not the trustees, but the congregation. The trustees have no more power over the doctrines to be preached in Dissenting chapels than the most perfect stranger. If, therefore, there be any breach of trust, it is not by the trustees, but by the congregation for whose benefit the chapel was founded. Now a right reverend prelate [the Bishop of London], has stated the mode in which he conceives these congregations came to be Unitarian. Whether that right reverend prelate is correct or not in his supposition, I do not profess to know; but he supposes that the congregations purchasing ground and afterwards building a chapel, by degrees relax into Arianism, and ultimately become Socinians. Now let me just suppose for a moment that that is a correct statement of the fact, to what does it amount? A certain number of persons purchase land and build a chapel. They appoint a preacher. Father and son attend that preacher. Generation after generation go on attending that chapel and subscribing to pay the minister. They are all in unison. There is no dissent among them, but on the death or retirement of one minister, they appoint another, who preaches a doctrine different from that preached by his predecessor, no one of the congregation objecting to the substitution of the one doctrine for the other. Suppose generation after generation continued to maintain the chapel, to repair it, to buy burial-ground, and to pay the ministers, and suppose it to be admitted that all this has been done by an Unitarian congregation, would it, I ask, be consistent with justice to dispossess them, because it could be proved that a hundred and fifty years ago the original founders of the chapel professed Trinitarian doctrines, although for the last century the doctrines openly preached in that chapel were Unitarian, and although money has been subscribed and benefactions made to support it as an

The trustees have power, and indeed it is their duty, to lock the doors against the minister chosen by the congregation if he is not of the opinions of the founder, as Sir William Follett would have seen if he had thought of the matter.

If any number of men join in building a chapel, and conveying it to trustees in trust for a particular denomination, they cease to have any rights over it, except as part of the public; it is in contemplation of law dedicated to the opinions of the denomination, and the founders cannot change them without leave reserved in the deed, see pp. 217, 219, 421. The support of the faith is intended by men who form a congregation and build a chapel, and they neither think of changing it themselves, nor intend to leave posterity at liberty to do so.

The chapels in question were not handed down with the faith of the founders, nor with the faith of any subsequent generation; the founders would have abhorred the indifference of the men of 1740; the latter would have condemned the downright Arians; the last would have denounced Socinians; and the first Socinians would in their turn have protested against the disbelief of miracles, and of everything supernatural, which is preached in so many of the old meeting-houses at the present day.

What right can these subscriptions give as against the founders?

Unitarian place of worship? Is it just or right, that congregations possessed of these chapels, which have been handed down from generation to generation, together with the faith they professed, and which they contributed to support, and looked on as their own, should be called upon to hand over those chapels to perfect strangers?

And it must be borne in mind also that it is not the original foundation alone, which is to be taken from them, but all additions made to that foundation, although made by professed Unitarians, and if therefore money has been given for the enlargement of the chapel, for the increase of the minister's stipend, for a pension to his widow, and all given by professed Unitarians, and since Unitarian doctrines have been openly preached in the chapel, they will all follow the fate of the original foundation, and with it be taken from the present possessors and handed over to strangers.

If this be a legal right, is it a moral or an equitable one?

But, Sir, I think it right to say that it ought not to be assumed that the law on this subject is clear. I believe it is the very uncertainty which prevails with regard to it that has induced all the lawyers without exception,

This is not certain. Lord Eldon directed inquiries which indicated an intention to separate the secondary from the primary charity, p. 218. Lord Chancellor Sugden apparently would have done so if the circumstances had shewn the propriety of it; see *Attorney-General v. Hutton* post. It had never been decided that these secondary endowments should be applied contrary to the donors' intentions. They were, however, almost as a matter of course, annexed to the chapel, and not given for the support of any doctrine; why, then, should their founders' intentions be presumed and respected, any more than those of the founders of the chapel? The Attorney-General, by exclaiming here against Unitarian funds going to strangers, in fact gives up the principle of the bill.

It will be found that generally speaking, collateral endowments, subsequent to the foundation of a chapel, were contributed, if not by the orthodox, by Arians, who were much nearer to Trinitarians than to Socinians. Indeed in many cases the difference between them and Athanasians was more in expressions than in thoughts. How then could Socinians claim through them? As stated already, the line of demarcation should be drawn at the doctrine of the mere humanity of Christ, rather than at that of his perfect deity.

The chapels were built by professed Trinitarians, and in and after their time Trinitarian doctrines were preached in them; the introduction of the measure shows that this gave the legal right, and did it not give a moral right?

After the unwavering concurrence of so many Judges, Sir William should not have said this. No doubt he saw the effect of what he had just said, and hazarded this sentence as a diversion.

whatever may be their political or religious bias, to recommend the introduction of this measure. Let it not be supposed that by passing this bill you are depriving either Presbyterians or Independents of property to which they are entitled. I say that the object of the bill is to do that which is fair and right. If you have upon the face of your deed a declaration that the trust shall be for Trinitarian doctrines, or for the doctrines of a particular sect, this bill will not interfere with that trust. But supposing it is not so, are you to assume that the founders of the chapels meant to bind down all posterity to the same faith which they themselves professed? If you are to assume that, then I ask, how are you to find out what that faith was? This is one of the difficulties which I know not how to grapple with.

Sir William then quoted the following passages from Lord Chief Justice Tindal's answer, other extracts from which are given at p. 346.

["The general rule I take to be that where the words of any written instrument are free from ambiguity in themselves, and where external circumstances do not create any doubt or difficulty as to the proper application of those words to claimants under the instrument or the subject matter to which the instrument relates, such instrument is always to be construed according to the strict, plain, common meaning of the words themselves; and that in such case evidence dehors the instrument, for the purpose of explaining it according to the surmised or alleged intention of the parties to the instrument is utterly inadmissible. If it were otherwise, no lawyer would be safe in advising upon the construction of a written instrument, nor any party in taking under it, for the ablest advice might be controlled, and the clearest title undermined, if at some future period parol evidence of the particular meaning which the party affixed to his words, or of his secret intention in making the instrument, or of the objects he meant to take benefit under it, might be set up to contradict, or vary the plain language of the instrument itself."]

["But whilst evidence is admissible in these instances for the purpose of making the written instrument speak for

Independents were entitled to the chapels, because the founders were really congregationalists; otherwise real Presbyterians would have been entitled to them.

It had been judicially pronounced that the Presbyterians were Trinitarians, no Judge had intimated a doubt of it; the Socinians had not brought forward any thing to the contrary except Benjamin Bennet's loose expressions in books published after 1720, and his real opinions shewn in the appendix, by extracts from the volumes quoted in the Proofs, prove that he was himself orthodox.

These passages were omitted in the account of the hearing in the Lords, as they gave the general rule which had been previously stated by other Judges, and Mr Baron Parke's statement had been inserted at length, but perhaps they had better have been given. On their being compared with Sir Edward Sugden's words, as quoted by the editor of the debates, or as set out in full in foregoing pages, it will be seen that there is no discrepancy between the two. The judgment of the House of Lords was supposed by Mr Simons, the law reporter, to agree with Chief Justice Tindal's exposition of the law, (indeed he quotes it as embodying the views of the majority of the Judges), and Sir E. Sugden intended all he said to be in strict accordance with that judgment. It is submitted that there was no difference between the two Judges. We have seen in the last paragraph that Sir William asserted that the law on the subject was not clear, and that this had occasioned the law lords to support the bill. When Sir William made these unwarranted assertions he was speaking, not as member for Exeter, but as first executive law officer of the Crown, and he should not have considered himself a mere advocate for the bill. Quotations and assertions such as these, when made by a personage of authority, impose upon Parliament, as they cannot be answered at the moment. The reader can judge for himself whether Sir

itself which, without such evidence, would be either a dead letter, or would use a doubtful tongue, or convey a false impression of the meaning of the party, I conceive the exception to be strictly limited to cases of the description above given, and to evidence of the nature above detailed; and that in no case whatever is it permitted to explain the language of a deed by evidence of the private views, the secret intentions, or the known principles of the party to the instrument, whether religious, political, or otherwise, any more than by express parol declarations made by the party himself, which are universally excluded; for the admitting of such evidence would let in all the uncertainty before adverted to; it would be evidence which in most instances could not be met or counterbalanced by any of an opposite bearing or tendency, and would in effect cause the secret, undeclared intention of the party to control and predominate over the open intention expressed in the deed."]

I think it right to state that there is a difference, a conflict of opinion, upon this point, and there is an opinion of the Lord Chancellor of Ireland apparently opposed to that judgment. Sir William did not quote any sentences of Sir Edward Sugden's, but the Socinian editor of the debates refers to those to be found at p. 441, beginning, "I shall admit evidence," and ending, "accord with the intentions of the founder."

But why do I refer to this? For the purpose of showing the uncertainty and mischief of litigation of this kind; for mischievous it is in every sense of the word. In the first place, it is wasting those funds which were intended to be devoted to charitable purposes. But besides that, although I by no means mean to say that the most solemn points of the Christian religion were discussed with levity, (for I believe that none of my learned friends engaged in that discussion would be guilty of such an act) I do say that it is impossible to argue questions of this sort in a court of law with that solemnity which ought to be observed with regard to them; the tribunal is not a fit one for such discussions; and when I find that these great questions of religious faith were in the end taken back to the master's office, for discussion there, I ask

William had any justification for what he said, or whether he took advantage of his influence with the House, and spoke just as he might, without blame, have spoken, (if indeed he had thought it worth while to do so), with the knowledge that what he said would be answered by a counsel of equal ability.

It is better to have them spent in law, in order that by their loss similar funds may be saved, than devoted to the support and diffusion of error.

It is absolutely necessary that the most solemn subjects should be argued before courts of law, to prevent misappropriation by trustees. The Ecclesiastical Courts and the Judicial Committee of the Privy Council, before whom matters of doctrine are tried, are really lay tribunals.

This was not true as to the questions in dispute with the Socinians, but as to the matters in dispute between the Independents and Presbyterians, and

whether the continuance of these suits is not a scandal which every true friend to religion would wish to see removed ?

the introduction of doctrines on that occasion was by the Presbyterians, in an attempt to put the Independents on a level with the Socinians. All questions as to the doctrine of the Trinity were settled by the court, and the matters discussed in the master's office were : Whether any Scotch Presbyterians were entitled to English charities ; whether the Kirkmen could be considered Dissenters ; whether the trustees should be taken from denominations not in existence in Lady Hawley's day, and subjects of like nature. These, without any profanation of sacred subjects, could be discussed by solicitors or their clerks. It having been settled by the courts that the Presbyterians were Trinitarians, no further inquiries would have been necessary as to the sacred doctrines discussed in the Attorney-General v. Shore.

Well then, Sir, what is it that is sought to be affected by this bill. That you should not leave parties to speculate upon what were the intentions of the founder, but that you should apply the same certain test which you have applied to other analogous cases. There is no single case of private right that is independent of usage. Whether it be wise or right that the law should be so with regard to charities, we are not now discussing. This bill does not interfere with that.

Again the suggestion of uncertainty, which did not exist, as the foundation of the bill.

The matter was one of charity, and not of private right.

[He then instanced a modus of titheing, as proved against the church by twenty years' usage, and the proof of the contents of a lost deed by proving usage under it for twenty years.]

I understand it has been said in another place, [in the House of Lords by the Bishop of London], that if you want to show by usage what are the contents of a deed, it would be much better to show what took place twenty years after the execution of the deed, than what took place twenty years prior to the present time. No doubt it would be better, if you could get such evidence. But why does the law take the last twenty years ? First, because the law does not suppose that parties will slumber over their rights ; and, in the next place, because modern usage affords the only criterion to which the contending parties

This evidence was obtained as to Presbyterians, and the point was admitted as to Independents.

This is not correct, as the Trinitarian opinions of the Presbyterians of the

can refer. That being the principle adopted in other cases, why should not the same principle extend to the case now under the consideration of the House, and why should there not be the same test of modern usage to which parties might have recourse? There is this advantage in passing such a measure, that you do not disturb existing interests; there is this advantage, that you do not take from congregations those places of worship of which they have been in possession now for centuries; there is this advantage, that you do not take from congregations the benefit of those sums of money which they have themselves expended on their chapels, or contributed for the support of their ministers. But I am told that the consequence of passing this bill may be, that property now possessed by Presbyterians, or other Dissenters from the Church of England, may in the lapse of time fall into the hands of Unitarians. But how could it be so? because by this bill the usage must be the usage of the congregation, and not a portion of them. Let me suppose for a moment that there is a trust for the benefit of Trinitarians, if the minister went into the pulpit and preached Arian or Unitarian doctrines, any single member of that congregation might immediately apply to have that minister removed. Unless, therefore, the congregation itself sanction the appointment and the doctrines preached by a minister, no such case as that apprehended could arise, and Trinitarians could not be ousted, and have their property handed over to Unitarians.

chapel building period were not denied, and it was not proved that they regarded those opinions as non-essential.

This very lapse gave occasion for the bill, as Sir William himself shews.

Sir William here distinguishes Arians from Unitarians.

The dispute relates to the time within which this is to be done.

The manner in which Arianism was introduced is explained at pp. 40, 41, and can any moral claim be founded upon it?

Sir Robert Harry Inglis (member for Oxford University) moved, and Mr Plumptre (member for East Kent) seconded, an amendment that the bill be read a second time that day six months, using the same arguments as are embodied in the Bishop of Exeter's protest.

Mr Macaulay, (member for Edinburgh city,) rested his support of the bill upon the expediency and justice of the proposal, contending that all religious bodies, in process of time, changed their opinions; but the only illustrations which he gave will not be thought to have any bearing on the subject. They were that the Seceders no longer supported the propriety of a state church, and that Wesleyan

ministers administered the sacraments contrary to their great apostle's injunction; he did not, however, say that the command was contained in the notes and sermons which John Wesley made binding on the consciences of all his preachers. These changes were evidently unavoidable from the circumstances of the two denominations. A body remaining so long unconnected with the state must contract feelings and habits at variance with the principle of an establishment, and must resolve not to be dependent on the ministrations of an alien clergy. Mr Macaulay avowed the bill was intended to benefit the Socinians only, and professed himself willing to incur unpopularity for supporting it.

Mr Bernal, member for Weymouth, followed. He was a gentleman of Jewish extraction, and had, apparently at any rate, like several so circumstanced, become a Socinian; how capable he was of entering into the discussion is shown by his mentioning in two parts of his speech baptists and anabaptists as different bodies in England, and by his cautioning the Wesleyans, lest through great difference of opinion existing as to predestination and election, they should lose some of their chapels.

Mr Monckton Milnes, (member for Pontefract, now Lord Houghton), after mentioning that he was descended from "Presbyterian ancestors, who afterwards adopted Unitarian opinions," supported the bill because the tenure by which the Church of England held its property "involved the acknowledgment of the principle of development in religious communities;" he thought "that Lady Hewley's case brought the matter plainly before the House;" and that the rejection of the measure would be "in effect the robbing of the Unitarians of all the sums which for years they had expended on the chapels," which would excite a sympathy for them, not felt at present. He quoted Baxter, Calamy, Milton, and Professor Hey, and referred to Bishops Watson and Hoadley, evidently from the Proofs, and threatened that if the bill did not pass we should have "such a play [display] of religious fanaticism as had not for many years been witnessed in this country, and he was afraid that on all sides we should have acts of recrimination, Unitarians enquiring how far the Wesleyans carry out the doctrines of John Wesley, the Churchman, and how far the Independents carried out the doctrines of Harrison, and of the Independents of the Commonwealth."

Mr Milnes was a descendant of the Hewley trustees of his name, and spoke the mind of the Socinians. Such different men as Mr Macaulay, Mr Bernal, and Mr Milnes could scarcely have agreed in falling foul of the Wesleyans, the last two with menaces, if their information had not proceeded from some common source, as the present Wesleyans certainly conform to the rules laid down for them in the constitution which their Patriarch gave them by his deed enrolled in chancery, at any rate they have not shown any leanings to predestination. Mr Milnes should have known that the Independents of the Revolution, and not those of the Protectorate, built the old chapels of the body, and that Major-General Harrison adopted their principles for a short time only, and abandoned them long before his death.

Mr Fox Maule, (member for Perthshire, now Earl of Dalhousie,) followed with a very argumentative speech against limiting the time for bringing the suits in question; and he objected to the period proposed. He also made strong complaints of the manner in which the bill had been altered to include Ireland, and to apply to pending suits; and stated that Lord Lyndhurst, in the last August, had told a deputation of the Synod of Ulster that he had not then made up his mind whether he should introduce a bill on the subject, but that when it was made up he would inform the Moderator; and that he did so only by sending a print of the bill after it was introduced. Mr Fox Maule also asserted that the Chancellor engaged the bill should not be extended to Ireland without giving the Synod an opportunity of being heard against it before a committee of the Lords.

Then Mr Gladstone, (member for Newark, and President of the Board of Trade,) addressed the House in support of the bill in a manner which shewed that his mind was accustomed to dwell on religious themes, (his mother often worshipped among Independents), and that he could enter into changes of doctrine. He put both facts and arguments in a very different light from preceding speakers, but evidently derived his information altogether from the Proofs, and was not aware how completely they had been answered.

This is a question which is considered by the public to bear an intimate relation to the interests of religion . . . with respect to which . . . her Majesty's government . . . have been supposed to have shewn a most culpable disregard.



I have made up my mind that . . . .  
 I have before me a great question of justice. That question I apprehend to be in substance, whether those who are called in England Presbyterian Dissenters, and who were, I believe, a century and a half ago, (1694), universally of what are called Trinitarian sentiments in religion, ought or ought not, being now generally Unitarians, to be protected at the present moment in the possession of the chapels which they hold, with the appurtenances to those chapels.

\* \* \* \* \*  
 What I am prepared to argue is, that though the original founders of these meeting-houses may have been, and were, in the vast majority of instances, persons entertaining Trinitarian opinions, yet that on principles of justice the present holders of the property, being Unitarians, ought to be protected in the enjoyment of it.

\* \* \* \* \*  
 Are the parties who instituted the chapels to which this bill refers, founders at all? I ask that question, whether they are in the eyes of the law entitled to be considered as founders at all? I apprehend that they were parties not devoting their property for the benefit of others, but parties devoting it to their own purposes during their lifetime, though undoubtedly after their death that property would descend to others. I believe that the difference between the cases is broad and practical, and that the right which a founder has to have his intentions ascertained, respected and preserved, is a right of a nature entirely different from that which may be possessed by any persons who associate together to form a body, who are to be the first to enjoy the benefits arising from that association, and which body is to be propagated by the successive entrance of new members, in the natural course of mortality, through the following generations.

This is an honest avowal that the act was intended solely for the benefit of Socinians. Lord Lyndhurst did not once mention Unitarians in his speech with which he moved the going into committee.

This is contrary to the supposition on which Lord Cottenham and Sir Robert Peel based their support of the bill.

Mr Gladstone admits the sacredness of a founder's purpose, but supposes that a congregation building a chapel does so for its own purposes only, and therefore from the nature of the case, retains for itself, that is the congregation for the time being, the right to vary the doctrines preached there. Lord Eldon was clear that a chapel, subject to a vague trust for the members of the congregation contributing to its erection and such as should afterwards support it, was necessarily dedicated to the use first made of it. That this is reasonable is easily shown. From the first step taken towards the erection of a chapel it is intended to be connected with some particular denomination, so that this intention enters into the essence of the scheme, and the thought of any change is excluded by interest and confidence in the faith and church order agreed on. It is not merely the accommodation of the contributors which is intended, but the benefit of the neighbourhood, by setting up in it the doctrines, church order and worship, which they believe most accordant with the New Testament. To secure these ends assistance is obtained from men of the same opinions at a distance, and persons friendly to them in the neighbourhood, on the understanding that the chapel shall be settled

for divine worship on those principles. This joint contribution creates a trust to carry out and secure the joint purpose. A chapel thus built by the gifts and sacrifices, and hallowed by the prayers, of many claims greater sympathy and respect than the benefaction of one rich man. When it is vested in trustees, subject to the most general trust for the congregation, all private property in it is extinguished, and the founders' usage is rendered unchangeable; and rightly so because there can be no doubt that is in unison with the intention of all concerned.

If they were not founders, it is impossible for you to make out that any change in the form of doctrine professed in the chapels, can constitute a breach of trust. If they were the mere representatives of the first partners or associates in these congregations, I believe it would be impossible for you to raise even the faintest presumption, that there was any obligation whatever incumbent upon the congregations in succeeding times to perpetuate the presumed opinions of those first associates. But I am not content to stand upon that ground.

I do not think it necessary even to stand upon the ground taken by my right honourable friend, the member for Edinburgh (Mr Macaulay). I think that in a part of the very able speech which he has made to-night, he appeared to allow that there might originally have been a case of fraud, and yet that the parties in possession might be permitted to retain that possession. This may be true, but I confess I do not think that in taking our stand upon such a proposition, we do full justice to the case. I confess, for my own part, that if it could be shewn to my satisfaction that there was a case of fraud, even though committed long ago, I should view the matter as one of considerable difficulty. If, indeed, this were proved, there would still remain many matters which I could not dismiss from my mind.

I should still have to consider the position in which the present holders stand; I should consider that they, and even those who have immediately preceded them, are on all hands allowed to be innocent both in act and in intention, I should

Mr Gladstone treats a congregation as if it formed a corporation existing for its own purposes, but its property must be held by trustees, and this makes all his reasoning bad, for they act on behalf of the founder and all generations, and reduce the congregation to so many beneficiaries, without any power over the chapel except such as is given them by the deed, or is necessary for the continuance of the trust estate.

It is notorious that this fraud actually took place, and so Mr Gladstone's opinion is here given on the Trinitarian claimants' side.

All persons not properly entitled who enjoyed the benefit of the chapels did so with full notice, not only in legal construction, but in fact, that it was a charitable foundation, and they ought to have ascertained to what doctrines it was dedicated

take into view the length of time during which their opinions have prevailed, I should not forget that they are the personal successors and the personal lineal descendants of the original institutors of these chapels, and that they are naturally and laudably attached to the memorials of their dead and to the place of their remains.

I must remember, too, the enormous difficulty, at the present moment, of finding a claimant with a good title to the property; I should consider also the gross scandal to which litigation on such matters is likely to give rise, and to which, as it appears, it has actually given rise.

And I must say, without wishing to give offence to any man, that I should also have to consider this, that while for a hundred years, upon the average, Unitarian principles have been preached in these chapels, the classes of persons now coming forward and claiming to be the rightful possessors of them, have endured in silence that abuse, (as they deem it), of the trusts, have fought, side by side, and shoulder to shoulder, with Unitarians, in their struggle for civil franchises, have derived great benefit from the co-operation of Unitarians in the acquisition of those advantages, and have not taken any step during three or four generations to put an end to a misapplication of the funds of those chapels which have been originally endowed for other than Unitarian purposes; and therefore, Sir, I should still feel that if there has been a breach of trust, the case was one of a most painful and difficult description. But the main question still is this, has there been a breach of trust and a violation of the intentions of the founder? . . . I say that, according to the present law, the real will of the founders will be set aside unless the legislature interfere to prevent it by passing this bill. . . . You are dealing with the case of a body, which, if you examine its history, you will find was from generation to generation, almost from year to year, during the seventeenth and eighteenth centuries, in a state of perpetual change; and it affords no argument at all, and will only tend to bewilder and mislead the judgment, if you go back to the writings of the ancient Puritans,

by the expressed intentions of the founders, or by intendment of law resulting from the usage immediately following the erection of the chapel.

What difficulty can there be in England, where, in the words of Baron Gurney, (who from his religious associations understood the matter better than any other Judge) "the Presbyterians indeed, though they retained the name of Presbyterians, became substantially Independents;" or in Ireland, where the Synod of Ulster was ready to receive its old chapels?

A hundred years was the outside period of heterodoxy in any form; there may on an average have been sixty years of Socinianism.

This passage is given to show how completely Mr Gladstone entered into the case of his clients.

This is correctly put.

The bill as it then stood secured the old meeting-houses irrecoverably to Socinians, and this Mr Gladstone persuaded the House was the real will of their founders. This one sentence should be thought of in connection with everything else which he said, and his whole speech may be judged of by it.

and ask what they thought upon these great questions of Christian doctrine. You must go on from year to year, and consider the direction which religious inquiry was taking, and its progress from time to time.

. . . . . I am well aware that there is a strong feeling against it [the bill] out of doors, and I am, on the other hand, quite sure that if we can show to the people of England that justice is concerned in the passing of this bill, not only justice to the present holders of these chapels, but justice likewise to the real intentions of those who first established them; I am persuaded that the opposition which is made to this bill will dwindle into nothing.

Now, first of all, I would ask, who are the parties into whose views we ought to institute an investigation? Not the Presbyterians preceding the period of the passing of the Act of Toleration. It is clear that the opinions of that body were in a progressive and fluctuating state; great changes had even already taken place in their doctrines and opinions antecedently to the passing of that act, and the signs of still further and greater changes were visible. The Presbyterian body, which originally held the tenets of Calvin, had adopted Arminian doctrines at the period of the Act of Toleration. This change of itself was no small one. But over and above this, the Presbyterian body, which in 1643 actually composed the Westminster Confession, in 1690 had virtually abandoned it, and I do not find that since that period the use of the Westminster Confession has been resumed by them. Now I ask the House, whether that is not an important point? If you find men in the habit of conducting their religious matters without reference to creeds, the fact does not of itself necessarily justify any strong inference: it may be that it is because they have not found any necessity for creeds; but if you find

The Bishop of London said, "In the course of my parliamentary experience, and I came into your lordships' house at a time when the public mind was agitated to a degree almost unprecedented by the probable fate of the Roman Catholic question, I never remember the public mind to have been more agitated than it has been upon the present question, considering the very short time that has elapsed since it was first made known; and I do not scruple to say that your lordships will do just the contrary than rise in public estimation if, after the expression of feeling with which you have now been made acquainted, feeling not on a topic of every-day-interest or ordinary occurrence, but one of truth, equity, and religion, you pass a measure which in my opinion contravenes all the maxims on which they rest."

This would never have been said by any one but for the purposes of this controversy, and Mr Gladstone's only authority for it is the assertion in the *Proofs*. The reader is referred, for the real state of the case, to p. 139.

They did not retain the use of the Westminster Confession, which in other churches was used at ordinations and then only, as they adopted the plan of taking a minister's declaration of his faith in his own words, as more in accordance with the spirit of the New Testament, and a more certain guide to his opinions; but they did adhere to the Assembly's Catechism until long after the chapel-building period.

the children of those who have framed a creed, departing from that creed and casting aside the use of it, you cannot resist the inference that they had some reason for it, and that that reason was in their view some strong and cogent one. Then, Sir, as early as in 1675, Mr Baxter wrote a work in which he declared distinctly that he objected to all confessions of faith not couched in scriptural phraseology, and stated that there never would be peace in the church until creeds were reduced to the language of Scripture. . . . But now observe the idea of Christianity, as a shifting, changing, and advancing subject, contained in this passage. This was the address of Mr Robinson, the leader of the colony of New England, delivered in the year 1620 to the first planters of that colony, and I quote it in support of my argument, that you will fall into the greatest error if you look at what was the actual belief of a particular period, and apply that belief to a period a century afterwards: "For my part, I cannot sufficiently bewail the condition of the Reformed Churches, who are come to a period in religion, and will go at present no further than the instruments of their first reformation. The Lutherans can't be drawn to go beyond what Luther saw. Whatever part of His will our good God has imparted and revealed into Calvin, they will die rather than embrace it. And the Calvinists, you see, stick fast where they were left by that great man of God, who yet saw not all things. This is a misery much to be lamented; for though they were burning and shining lights in their times, yet they penetrated not into the whole counsel of God; but were they now living, they would be as willing to embrace further light as that which they first received. I beseech you to remember it; it is an article of your church-covenant, that you will be ready to receive whatever truth shall be made known unto you from the written Word of God. Remember that and every other article of your most sacred covenant." There you have the seed of all those progressive changes, of the effects of which you are now considering the course.

The reference to Hallam which is to be found from the *Proofs*, at p. 70, was then made by Mr Gladstone.

The Catechism was framed shortly after 1643, and it held its ground for a century.

Baxter's opinions as to creeds may be learnt from pp. 143 to 151.

This passage is here printed for the nobleness of its views. Mr Gladstone seems not aware that Mr Robinson was an Independent, the one rigid, unchanging body, according to his authority, the *Proofs*.

Every word of this the Independents receive and believe at the present day, and yet have to bear taunts and reproaches such as have been here reprinted from the *Proofs*. Not a single latitudinarian opinion can be attributed to Robinson, who uttered the sentiment, having received it from the fathers of the Reformation. It is startling to find Mr Gladstone's remarks upon it. Did he not share the opinion? Did he not see that this is the great Protestant principle? Is Socinianism the genuine and necessary result of it?

I come now to the Toleration Act. And here I must ask, when were these foundations really made? for that is a point of considerable importance. There were very few before the Toleration Act, and those we may reject. The great mass, according to a statement made on behalf of the Unitarians in the Lady Hewley case, and adopted as I perceive by the Bishop of London, an eminent authority in opposition to this bill, may be taken to have been made between 1690 and 1710. But those who made these foundations, did not die until some time after they were made. They remained in the natural course of things for many years the natural guardians of their own foundations. We must allow, therefore, to the parties who founded these chapels the usual term of human life, and assuming them to have lived some thirty years after those dates, they were themselves for the most part alive and approvers of what took place, after the years 1690 and before the years from 1720 to 1740. Of course these dates do not admit of the utmost degree of precision, but I say it is upon the whole the state of opinion in that body between the years 1690 and 1740 that it is my business to look at. I look at it as a question of history, and I endeavour to form a judgment from that history as impartially as I can. It is clear that at the commencement of that period there were two great antagonistic principles engaged in deadly conflict; the one, a regard to authority in matters of religion, and a view of religious truth as something permanent, substantive, independent, and immutable; and the other, the supremacy of private judgment. I say that these two great principles were struggling together at the time of the Toleration Act, and that a regard for the supremacy of private judgment, and a disinclination to tolerate human interpretations of Scripture, was even at, and before that time, rapidly gaining the upper hand over the old principle, of which I have shown that some records might be found. Now may I be allowed to give the House historical proofs of that important position? The House is very well aware that it was required by the Toleration Act, that parties, before they could take the

The founders of the chapels were men in middle life at 1688, and were in their graves by 1720. Whatever changes took place after 1730 were produced by men who, in 1710, were too young to have any influence in the denomination. Every account makes the changes confined to the young.

This struggle commenced in or after the year 1717, with the Occasional papers, (p. 116,) about the time of the repeal of the Schism Act, when a season of liberty brought a relaxation of the devotional spirit.

There is no trace of this spirit at that time.

benefit of that act, should subscribe a declaration which involved indeed a great deal more besides, but which required, among other things, a confession, in the most explicit form, of their full belief in the Holy Trinity. Now the first point I put is, that that act was not universally subscribed. The case of Dr. Calamy, which has been mentioned as a remarkable one, because he was an eminent and devout man, and a sincere believer in the Holy Trinity, is an instance; it appears that he never subscribed. I again appeal to the authority of Mr Hallam, who acquaints us that the measure of liberty accorded by the Toleration Act was but a scanty measure; but he says it proved more effectual through the lenient and liberal policy of the 18th century; the subscription to articles of faith, which soon became as obnoxious as that to matters of a mere indifferent nature, having been practically dispensed with. . . . Baxter, in 1696, published a work called, "A Sense of the Articles of the Church of England," the object of which was to reconcile Dissenting ministers to this subscription: shewing that already the elements of repugnance to subscription were powerfully felt. . . . Baxter was willing to subscribe, yet not without stating his regret that any subscription whatever was required beyond an acknowledgment of the Canon of Holy Scripture; and not without also putting his own sense upon the articles. That sense is also in some particulars not a little remarkable; as, for example, where, upon the article which affirms the Athanasian Creed, he actually excepts from his assent a part of that creed. . . . [After noticing that the Heads of Agreement required that a congregation should own the Anglican, Presbyterian, and Independent formulae, see pp. 31 and 76, Mr Gladstone remarked:] I am not, therefore, in a condition justly to assert that, at this time, subscription was repudiated. But, on the other hand, I must offer some qualifying remarks. In the first place, this is not intended in any manner to guarantee the profession of a permanent belief. It was not the foundation of a permanent decree, but rather a treaty of co-operation for immediate and practical purposes. In 1694, on account of doctrinal differences

For the manner in which the Doctor spoke of the matter himself, and remarks on the matter, see p. 75.

Baxter stood alone in this respect.

Only the damnatory clauses of it, p. 153.

The three confessions were the basis of the agreement between the Presbyterians and the rigid body of the Independents, and were intended to continue so.

which kept swelling and struggling upwards, such a project as the union was found to be quite impossible, and those articles of agreement came altogether to an end, and upon them of course depends the virtue (if there be any) of what I have quoted. . . . Assuming that these parties were willing at that time to subscribe, that might be because they themselves believed in these particular doctrines, but it may still be true that they meant to leave to others the means which they had themselves put in action, of departing from the belief of their predecessors. But when I look at these chapel deeds, I find, according to the best accounts I can obtain of the terms in which the trusts are commonly declared, that the most general words are used, and if the parties who themselves were willing to subscribe, when they came to found meeting-houses, which of course were intended to be used by their posterity as well as by themselves, no longer referred to doctrinal tests, but framed their deeds in the largest and most general language; does not that raise a strong presumption, that though they were themselves believers in particular doctrines, yet they objected, on principle, to binding their posterity to the maintenance of them for ever?

I have no motive to bias me, that I am aware of, in this matter, and I wish to state strongly to the house, and to bring strongly before my own mind, the arguments on the other side. There are two other points urged by them. One argument which has been used by those who oppose the bill (though it has not been made in this house) is as follows: Those who declared these trusts, and who associated themselves for the purpose of establishing these chapels, never could be expected to specify the particular doctrine of the Holy Trinity, because it was at that time forbidden by law to deny that doctrine. Now, does any man seriously think that that is a compliment to the foresight, the sagacity, and common sense of those who drew these deeds, or of the parties for whom they acted? Does any man think that those who had seen the changes which took place in the seventeenth century, calculated on the permanence until doomsday, of that declara-

See p. 138.

The union came to an end only in London; in the various country districts it lasted until the prevalence of Arianism among the Presbyterians.

The fact that the chapel deeds of the contemporary Independents were not more precise entirely disposes of this argument.

The method in a trust deed is to prescribe what is intended, not to proscribe particular errors, otherwise every error omitted might be supposed to be tolerated. At the Revolution the Westminster Confession was understood as that of the Presbyterians, and it was sufficient to call a congregation Presbyterian to define its faith.

Reference to the Toleration Act was not intended to define the faith, but to prevent any imputation of illegality.



tion which, under the Toleration Act, ministers were required to subscribe? They had seen the Canons of 1640, passed under Archbishop Laud; they had seen the act of 1648, denouncing the penalty of death against any person questioning the authenticity of the canon of Scripture; they had seen, in 1662, the Act of Uniformity passed; they had seen, in 1689, Nonconformity legalized and permanently established under the shelter of the law; and is it to be supposed, that with such experience, those men were so unobservant as to imagine, that the great movement which they had themselves used all their strength to impel, and which manifestly embodied the prevailing sentiment and spirit of the time, had reached the extreme limit of its progress; that they applied, in fact, the doctrine of finality to that particular form which the policy of the legislature had assumed in the Toleration Act? It is obvious that they could have done no such thing. But, again, some say that the doctrine was so fixed, not merely by law but by religious faith, in the minds of men, that it never occurred to them that it could be doubted, and therefore that they never thought of predicating it expressly in the trust deeds. But this ground is cut away from them, because it so happens that at this very period the keenest controversies were raging with regard to that doctrine. Even before the Toleration Act, those controversies had commenced. The works of foreign Unitarians had been brought into England. Men of very considerable eminence, Mr Biddle, Mr Firmin, and others, persons, I am bound to say, of great individual virtue, were professors of those doctrines; and I do not suppose that years would suffice to read the tracts that were published on the subject of this controversy, during the very period in which these chapels were instituted. How, therefore, can it possibly be said that the reason why these parties excluded all reference to the doctrine which they wished to promulgate, was because it was a doctrine as to which no doubt was entertained by any of the religionists of the day?

The provisions of the act (of 10 Anne, 1711, the Occasional Conformity Act) exempting non-subscribers from the penalties they had incurred under the Tolera-

It cannot be shewn that the Presbyterians of the chapel-building time had any misgivings that their system of doctrine was unsound, or likely to be superseded by any other. Every possible form of error had been professed under the Commonwealth, on the overthrow of the laws restraining freedom of opinion, but survived only in individuals.

The English Dissenters were all Calvinists, except a few Arminian Baptists, some, chiefly Independents, pushing the doctrine to extravagance; and the Assembly's Catechism being taught in every congregation, the term Presbyterian, or indeed Protestant Dissenter, might well appear sufficient definition. Socinianism had, in Cromwell's time, met with universal reprobation, and heterodoxy took root in the shape of Arianism, but though many Arian and Socinian treatises were published at the close of the seventeenth century, the opinions which they inculcated made no way until long after Whiston's and Clarke's volumes appeared, and beyond the utmost limit which can be assigned to the chapel building age. Arianism for a long time was confined to ministers, and was not professed by them, so that there was no dread of Anti-Trinitarianism sufficient to ensure precautions against it.

tion Acts, lead to the inference, both that they were a considerable class, and likewise that the offence they had committed was a light one in public opinion; that is, that subscription to the articles, by Dissenters, was falling into disrepute. But some honourable member has quoted to-night a case which occurred in the year 1702, when Mr Emlyn, an Irish minister, adopted Arian opinions, and became the object of universal reprobation among his brethren. That is the history of 1702; but the peculiarity of this case is, that the history of 1702 is not good for 1703, nor is the history of 1703 good for 1704. I will show that a few years after that date, liberty or license, call it which you will, and we might differ perhaps upon that question, had come to such a height, that the whole Presbyterian body had become divided. [The defeat of the attempt to require a declaration of the inspiration of the Scriptures and belief in the Trinity from persons taking the benefit of the Dissenters' Relief Act of 1718, 5 George I, is then stated]. Now, here was a declaration of the doctrine, reduced to the most naked and unobjectionable form. It is not involved in a multitude of scholastic terms or refined definitions, but it is a simple proposition that a plain and perfectly intelligible declaration of belief in a particular doctrine, reduced to the most naked form, shall be made the condition of holding office. . . . All those who supported the bill and represented the united dissenting interest in Parliament opposed that clause. Does not the right honourable gentleman think that that is a pregnant fact to show what was taking place in the minds of Dissenting ministers and of Dissenters generally at that time? And be it remembered, too, that at that period the greater part of these founders, as my honourable friend, I think inaccurately, calls them, on whose behalf, or on behalf of whose descendants, he is interesting himself, must have been themselves alive to take care of their own foundations.

[The dismissal of Pierce and Hallett by the Exeter committee is stated, and the reference to the London ministers, see pp. 23-29, and 99-113]. It was debated whether a declaration concerning the doctrine of the Trinity should be inserted in the letters of advice which

This statement of variation in the body from year to year is utterly groundless. Emlyn's congregation became extinct in his lifetime, as his friends died, which would not have been the case had there been this divergence from the old faith.

Dr. Calamy states there was no reason for putting this test to the Dissenters, and it is evident they resented it as an insult; yet he writes very coolly on the subject, and represents the Dissenters generally as not caring much about the matter, except such as were stirred up to do so by an individual to increase and shew his power, pp. 102, 103.

The proposal of the declaration was resisted as calling on persons, whom there was no ground for suspecting, to state their opinions in the words of other men; but

it was resolved to send down to Exeter, and it was carried by a small majority, by 73 to 69, that that doctrine should not be conveyed to the congregation at Exeter. Is it possible, then to deny, that in 1719 the opinion of a majority, although a small majority, of the Dissenting body was, that this doctrine should not be made a term of communion? And if so, how can it be said that no doubt was entertained with regard to the doctrine itself? How, above all, can it be held that the denial of it is a disqualification for succeeding to the use of the chapels now, if it was not a bar to communion then?

But, Sir, the case is still stronger. That meeting was composed of Presbyterians and Independents together. The Independents were not possessed, like the other class, with a tendency to Unitarianism, and therefore the minority was in point of fact in a great part made up of the Independent body; but the historians of the Dissenters, Messrs. Bogue and Bennett, fairly admit that the majority of the Presbyterian body who assembled on this occasion, were hostile to any declaration as to the doctrine of the Trinity. Now if we keep in view the fact, that that was a period when the majority of these founders of chapels, or partners or associates in them, were still alive, is not that fact of itself almost conclusive upon the question, as to whether by passing this bill we are violating the intentions of those founders?

There is a most singular testimony upon this subject. It goes further than I should venture to go, because I should not presume to go up to the point of saying that non-subscription was a fundamental principle before the Toleration Act. I do say, however, that from 1718 it was established. But I find that Mr Wilson, who plays a great part in the Lady Hewley controversy as relator, has said in express words (unless he has been misquoted), "It is equally a matter of historical notoriety that the English Presbyterians of the time of Lady Hewley's charity, and subsequent thereto, refused to subscribe any tests, creeds, or declarations of faith, because they objected to bind themselves to the words and phrases of any human composition, as the Scotch Presbyterians of the Church of Scotland then did, and as the reverend Scotch petitioners in full communion with the Church of Scotland,

the non-subscribers declared that they fully believed the doctrine. The Exeter congregations had dismissed their ministers for Arianism, and appealed for advice to five London Divines, who advised consultation with neighbouring ministers, but were prevailed upon by the ministers' friends to call together the Presbyterian, Independent, and Baptist ministers of London and its suburbs; the scheme being to get them to send a letter prepared beforehand with the sole view of saving the ministers from expulsion from their chapels. It was urged that the ministers should not give their advice as if a council; when that was overruled, it was proposed they should state their opinions in the words of their catechism; but this was refused because they were not the parties accused, and because they would not subscribe any human confession; yet their decision was against the Exeter ministers, for it stated that there were doctrines the non-belief of which justified a congregation in expelling its minister, and that they must be judges in the matter; so that the decision was in favour of the congregations, and supported them in their dismissal of their ministers.

Bogue and Bennett, after referring to the non-subscribers' letter, p. 111, state: "Wherein this strong declaration differed from the subscription of the other party it is not easy to say." This is very different from Mr Gladstone's statement.

Mr Wilson does not say this.

The English Presbyterians from the time of the Revolution did not practise subscription as part of their own discipline, but this does not prove that they were indifferent to doctrine, as Sir Edward Sugden pointed out, p. 442. They required a minister at his ordination to give an exact account of his faith, p. 20.

and the said reverend Scotch petitioners in connection with the Secession Church, now do." Mr Wilson, therefore, comes forward and says, "It is true that you Scotch Presbyterians are subscribers, but we English Presbyterians were always non-subscribers," and thus he establishes the very position which, if it be made good, renders the argument for this bill, not as a question of compromise, or of settlement by way of limitation, but upon its merits, in the strictest sense, quite irresistible.

But, Sir, I am going to quote to the House the sentiments of two individuals upon this most important question, expressed within the periods to which I have referred. First, I will refer to the sentiments of Dr. Calamy, and then to those of a man who perhaps stands higher in reputation among religious persons of the Dissenting body than any other individual of the eighteenth century, Dr. Doddridge. Dr. Calamy wrote in 1718 upon the subject of this Salters' Hall controversy. He was delivering a course of lectures on that great doctrine to which I am sorry to have had occasion so often to refer by name; he was solicited to join in this Salters' Hall controversy, but briefly refused to do so, and he gives this very clear account of that refusal, [see pp. 104 and 105.] "I told him . . . in my apprehension unavoidable," and "As to the grand matter . . . one in communion." So much for Dr. Calamy. Now let us hear the words of Dr. Doddridge, with whose testimony I will close my examination of the sentiments and the doctrinal movement of the Presbyterian body between 1689 and 1740. In a letter dated December, 1737, he uses this remarkable language: "I think we cannot be too careful not to give any countenance to that narrow spirit which has done so much mischief in the Christian Church. And what confusion would it breed amongst us, if those who were supposed to be of different sentiments, either in the Trinitarian, Calvinistical or other controversies, were to be on both sides excluded from each other's pulpits!"

Now, by what has taken place in Parliament, by what has taken place at meetings of Dissenting ministers, and by what has been stated by the greatest oracles of

Mr Gladstone ought not to have allowed himself to have been led into such a mistake as to suppose non-subscription shows indifference to doctrine.

These quotations shew that Dr. Calamy was against subscription to any human statement of doctrine, but nothing more.

Mr Gladstone seems not to have known that Dr. Doddridge was an Independent.

This expression exactly tallies with the representation before given; for there was at the time supposition and suspicion of heresy only.

those Dissenting ministers, it is established, that before the deaths of the very parties who first of all associated themselves together in order to establish these chapels, it had become entirely an open question whether or not a man should hold the orthodox and ancient belief with regard to the doctrine of the Trinity. . . . Upon that [the bill of 1779] I do not stand, because if you could show that the transition took place at a period so long after the deaths of the parties founding these chapels, you might create dissatisfaction in the public mind, though I do not think you would prove thereby that this bill ought not to pass.

But, Sir, to me it appears that this is not a question on which there is justly any room for difference of opinion. I cannot admit that it is subject to the smallest doubt, whether these parties ought to be regarded, or not, as qualified successors of the early Presbyterians in their chapels. If you are satisfied to look at nothing but the mere external view of the case, and to say, Here were certain persons who founded these chapels entertaining one creed, and the present possessors of those chapels profess another creed, I admit that that sounds startling. But if you take the pains to follow the course of events from year to year, it is impossible to say that at any given period the transition from one doctrine to the other was made. It was a gradual and an imperceptible transition. There can be no pretence for saying that it was made otherwise than honestly. I at least do not hold myself entitled to say so. The parties who effected it made a different use of the principle of inquiry by private judgment from those who had preceded them; but they acted on a principle fundamentally the same, and though I may lament the result, I do not see how their title is vitiated because they used it to one effect, and others to another.

I feel no competition or conflict between my religious belief and the vote I am about to give. I am not called upon to do that which I could not do, namely, to balance the weight and value of a great moral law, against that of some high and vital doctrine of Christianity. Our religious belief should guide us in this as in other acts. But I contend that the best

This mis-statement as to the Salters' Hall meeting has been refuted before.

It was the gradual nature of this transition which prevented its being noticed, or made those who noticed it despair of obtaining redress from a court, on any slight departure from time to time from the original doctrines. And this circumstance presented the strongest reason for not confirming the ultimate state of things reached by it; whether the changes were introduced by persons who did not see what they were doing, or whether the process was the result of a scheme first devised, and afterwards carried out, by a small confederacy of insidious men.

use you can make of your religious belief is to apply it to the decisive performance, without scruple or hesitation, of a great and important act, an act which, whether the consequences to arise from it may be convenient or inconvenient, (and I believe the balance will be found to be greatly on the side of convenience, but that is the second question, not the first, of those now before us,) I hope I have in some measure proved to be founded on the permanent principles of truth and justice.

Mr Gladstone's speech, though wrong in assuming facts, shows an earnestness and conscientiousness about the matter, and a power of entering into questions of religion, not found in any other supporters of the bill, and his reasoning throughout admits, expressly or by implication, principles decisive in favour of the orthodox claimants of the chapels.

Mr Sheil, member for Dungarvan, spoke for the Romanists, and said they also supported the bill "because founded upon the great principle of religious toleration." He said he "endeavoured to associate with the lofty faith of the illustrious Bossuet, the gentleness and the charity of the merciful Fenelon." "To the defrauded spirit of William of Wykeham (worth a hundred Lady Hewleys) let restitution be made [by restoring the honours he paid to the virgin] and then you may consistently become the abettors of the orthodox Presbyterians." He spoke of Mary Armstrong and her four daughters being "cast out with predestination for their comfort" of "litigation in which controversy and chicane are combined, in which the mysteries of Calvinism are rendered darker by the mystifications of jurisprudence, and in which the enthusiasm of orthodox solicitors is associated with the rapacity of acquisitive divines," and of the Irish opposers of the bill "seating themselves in the iron chair of Calvinistic infallibility, and reading the Book of Mercy by that lurid light with which Geneva was illuminated when Servetus was consumed." The Irish Presbyterians are mostly Orangemen, hence this attack.

Sir Robert Peel (the Premier) then member for Tamworth, next addressed the House.

Notwithstanding a preponderance of argument on one side of the question, unexampled within my recollection in any former debate, I should still be unwilling to permit this debate to close, without briefly expressing the grounds upon which

Sir Robert refers to the bill as if it had been introduced by the Socinians, and not by his own administration, and he might well do so. His candour in admitting that he did not at first expect it could be carried, and that he gave his assent to it

I have determined, with my colleagues, to give to this bill the most decided and persevering support. I undertook to give that support under very different impressions with respect to ultimate success from those which I now entertain. I undertook to give my support to this bill, at a time when I had good reason to doubt whether it would be conducted to a successful issue. But I did entertain so strong a belief with respect to the justice of the principles upon which this bill was founded, that I and my colleagues were prepared to make every other consideration subordinate to the fulfilment of that duty, which appeared to us to impose upon us the obligation, of supporting a bill founded upon those principles. I am bound to say that my opinion was formed without any very elaborate consideration of the historical truths or of the legal doctrines that are presented to us in this consideration. With respect to the legal doctrines, I am not about to undervalue the great legal doctrines which are to be found in the law of England, that great doctrine of trusts, I dare say, ought to be held in great veneration and respect; but I say this, that if that or any other great doctrine imposes the necessity of inflicting wrong, I will look out for a mode of applying a remedy; first, because I think individual justice requires it; and secondly, because in proportion to the importance of the doctrine, and in proportion to the necessity of maintaining it, so in proportion is increased the necessity of not subjecting it to the odium of being made the instrument of inflicting wrong.

I find that before the year 1813, there were a number of chapels founded with trust deeds, some of which deeds express, that the doctrine of the Trinity shall be preached in those chapels, founded by those who dissented from the Church of England, but who agreed with the Church of England in the maintenance of the doctrine of the Trinity. Where those deeds are so expressed as to show that the intention of the founder was, that the doctrine of the Trinity only should be preached in that endowment, we do not want this bill to disturb those intentions. The intention of the founder will still remain. But there are other chapels founded, where there is no express declaration in the

without knowing accurately the facts of the case, or the principles of law respecting it, is very great, but the majority was so certain that he could safely own that he made up his mind on statements made to him. The confessed fear of defeat at once accounts for the unfair advantages secured by the ministry, and admits the impression which the bill was calculated to produce upon the public mind.

This cold reference to the non-application of the bill to such cases, and to the respect due to founders' intentions, may be thought to indicate that it was only the fear of defeat which restrained Sir Robert Peel from attempting, by his bill,

trust deeds as to the nature of the doctrines to be preached there. In the great majority of those trust deeds the words are simply these, that the chapel is for the worship of Almighty God by Protestant Dissenters of the Presbyterian denomination. Would it be consistent with justice, I ask, that, those being the words, I should now presume (there being nothing more express as to the intention of the founder) that it was the purpose of the founder that the doctrine of the Trinity should be preached; and that, notwithstanding usage and notwithstanding prescription, I should dispossess those who are now in possession of the chapels, and confer them on others? Am I to be called on, in deference to any great principle of English law, to violate the first principles of justice in order to maintain the technical application of the law? I can understand why a Unitarian founder should have said nothing as to his intention. The principle of the law was against it. There was a motive for the concealment of his intentions. It was wise in him to deal in generalities, because a law existed which told him, "If you contravene the doctrine of the Trinity, your endowment is forfeited." But why should Trinitarians remain silent as to their intentions? The doctrine of Unitarianism was repugnant to their feelings. The law would respect their endowments if their intentions were expressed. What motive could they have for only expressing, that a chapel was founded for the worship of Almighty God by Protestant Dissenters of the Presbyterian denomination? Is it not much more probable that the founders of those chapels were hostile to any subscription; that they wished to maintain freedom of opinion; that they objected to conformity to any particular class of doctrines; and that, therefore, they objected to bind their successors by any formula of particular doctrines, but respected in their successors that freedom of opinion they claimed for themselves? And (presuming that to have been the original intention of the founders) can I with any justice impute, and would it be a veneration for the intention of the founders to impute, to them opinions which they may never have entertained?

to override the most express trust for Trinitarians, if the congregation, equally unconscientious, had for the requisite period, professed Socinianism. Lord Lyndhurst, from his expressions, seems to have had the same views, and Lord Brougham, seeing how safe the measure was, gently rebuked his timidity. The disclosure of their loose notions as to the obligation to comply with founders' express directions, so contrary to all received principle, will it is supposed render all they said of little weight with the generality of readers, but being in high places their reasonings must be answered. As a matter of fact, Emlyn's and Pierce's congregations were the only ones in which heterodox worship was carried on during the whole of the chapel-building period; see the remarks of Lord Chief Justice Tindal p. 358, Mr Baron Gurney p. 355, and Lord Chancellor Sugden pp. 449, 452; and the latitudinarian notion of differences of opinion being immaterial was entirely strange to English Presbyterians of that time according to Mr Baron Alderson p. 309, and Mr Justice Coleridge p. 354. In Ireland, down to the formation of the Presbytery of Antrim, all were of admitted orthodoxy. Wherever suspicion of Arianism arose, in Exeter p. 23, in London p. 26, in Dublin p. 449, in the whole North of Ireland p. 381, the laity were up in arms, and they were the builders of the chapels.

The trust deeds of the chapels of the Presbyterian congregations most zealous for orthodoxy, are all equally vague as to doctrines, and so were for the most part the deeds of Independent chapels, even of those founded by seceders from the old meeting-houses on their choosing Arian ministers. The Irish deeds are not more definite, but that would be occasioned by trust in the notoriety of the principles professed by the Synod, and confidence in the safeguard of its jurisdiction, as to which there was no doubt at that early day. For the spirit which the Irish Presbyterians there displayed see p. 372. All the deeds of the chapels built before the death of Anne were prepared in fear of the worship again becoming illegal, as is shewn by the provisions introduced as to the disposal of them in that case.

The method of turning their ministers out of the church had been to require of



them subscription to the prayer book, which supposes that it was contrary to their doctrines, and they would be unwilling to state them through fear of their being pronounced unlawful as contrary to the established faith. A reference to the Westminster Confession, the work of a Synod convened by the rebel Parliament, which imposed first the Covenant, and afterwards the Engagement, would have been entirely opposed to the caution which framed all the early trust deeds.

Sir, my determination to support this bill was founded on a belief in its justice, and on a knowledge of the injustice that would arise from the application of the existing law in particular instances. Every one who may consult the records of the place he represents, may find, in some small retired nook, some unpretending little chapel, to which, if you choose to apply the technical rigours of the law, grievous injustice may be done. Each honourable gentleman is of course conversant with his own locality. For myself, I represent a town (Tamworth). There is a Unitarian chapel there. It was founded in 1724. It was founded by Unitarians. There never was a suspicion that it was founded for the promotion of Trinitarian doctrines. For fifty-three years, there was a minister holding Anti-Trinitarian doctrines. I recollect the close of his life. There was but one single bequest for the endowment of that chapel, which was left by the daughter of that Unitarian minister. There is religious peace in the constituency I represent. We have Roman Catholic, Unitarian, and Church of England chapels connected with it. We are altogether undisturbed by religious discord. But if, under a professed veneration for the doctrine of trusts, you let in a speculative attorney, who for the sake of costs will bring this Unitarian chapel, circumstanced as I have described, with but one bequest, and that the bequest of the daughter of a professed Unitarian minister, into the Court of Chancery, the costs of the suit to be paid out of the endowment, the speculative attorney will be the only person who will profit by it, because it is impossible that Independents, or Baptists, or Wesleyan Methodists, can establish their title to that property; you will extinguish the funds of that institu-

The Tamworth congregation, who knew the facts, contented themselves with saying in their petition that the second minister, the Rev. John Byng, was a decided Unitarian. It was founded previously to 1718, and was beyond all question of Trinitarian origin.

With all Sir Robert's seeming candour he is most disingenuous here; he forgets the Independent, Baptist, and Wesleyan chapels at Tamworth, though he mentions all those denominations immediately afterwards, when he imagines them as claiming the Socinian chapel, and by their presence introducing discord into his own little borough.

Sir Robert's ignorance of the matter is shown by his putting Independents on a level with Baptists and Wesleyans as regards title to the old meeting-house at Tamworth; he forgot that the last-mentioned body was not in existence at its founda-

tion, and introduce religious discord into a community to which religious discord is a stranger.

But, Sir, what is the case of Ireland? What is the case of the Remonstrant Synod of Ulster? Is it possible that the House of Commons will permit the grievous infliction of injustice which will be the consequence, if every chapel in communion with the Remonstrant Synod of Ulster in Ireland, is to be dispossessed of its property as the result of a suit in a Court of Chancery? Now what is the history of that Remonstrant Synod? It has lost two chapels already, at the expense in one case of costs to the amount of £2,000. Two chapels have been already forfeited, and further suits are threatened if this bill does not pass. In 1829, a separation took place. The Remonstrant Synod of Ulster, having professed Unitarian opinions up to that time, separated from the general Synod of Ulster, and some seventeen or eighteen congregations severed the connection. That severance was made in peace, with the distinct understanding that the Remonstrant Synod of Ulster should remain in possession of its privileges and immunities. The chapels were then in decay. The members of the congregations, however, since 1830, have repaired the chapels, rebuilt them, taken fresh sites, added to the chapels, formed additional burying-grounds, and not a word was heard of disturbance until the decision in *Lady Hewley's* case, and then the principle which pervaded that decision induced persons, who appeared to have no direct interest, to bring actions against this Remonstrant Synod. To do what? To recover Trinitarian property? No; but to take from the Unitarians the chapels which they had built or enlarged, and the burial-grounds in which their wives, their fathers, and their children had been buried.

Sir Robert's assertions as to the Unitarian origin of the chapels the trust deeds of which contain no specification of doctrines, and in particular of the one at Tamworth, and as to Trinitarian attacks on the Remonstrant Synod, are misrepresentations about as gross as can well be conceived, and show the deception under which he lay as to the facts of the whole case. From his own statements it is clear that he was the real author of the bill, and there is therefore no injustice in judging

tion; and his reading never made him acquainted with the state of the churches described in pp. 59, 60.

The Presbytery of Antrim was defeated in its attempt to take the chapel of Clough from the Synod of Ulster, and the Remonstrant Synod failed to get from it the chapel of Killinchy. The statement that the Remonstrant Synod had already lost two chapels was no doubt made to Sir Robert, but he should not have lent himself to retail whatever his Socinian friends told him without some examination. The Synod of Ulster merely succeeded in retaining its own, so that the position of the parties was the reverse of what he stated. He seems to have fancied that the Remonstrant Synod was, before 1828, (like the Presbytery of Antrim before 1724) a body of itself, having rights as such to the seventeen chapels, while in fact they belonged to the Synod of Ulster.

As to the outlay on those seventeen chapels, sixteen years only had elapsed since the formation of the Remonstrant Synod, and much may have been done by it in the first fervour of its existence in liberty and honesty; but since the time that Sir Robert spoke Crumlin has disappeared from the list of Unitarian chapels, and in Cairncastle there is but one chapel, while the Presbytery of Antrim had one there at the time of its formation. The congregation there which eventually took part with the Remonstrant Synod appears to have been formed to supply the vacancy in the Synod of Ulster, occasioned by the defection of the congregation which constituted part of the Presbytery of Antrim; and it must have been a Trinitarian foundation.

of it from his speech. His reputation for accuracy, and care in religious matters, gave irresistible force to his statements, and when their utter incorrectness is seen nothing more should be needed to induce a condemnation of the whole proceeding.

Lord John Russell (member for London) after agreeing with Sir Robert Peel that the argument was all on one side, said the bill had been objected to as an injury to religion, but if it did justice it could not be so; and that he thought there should be prescription for that kind of property.

Lord Sandon, (member for Liverpool), whose pedigree begins with an ejected minister, and who gave as his motto *Servata Fides Cineri*, and who might well therefore see the monstrous injustice the bill, warned the House against the clause binding the congregations irrecoverably to opinions confessedly opposed to those of the founders, but did not suggest any other plan of attaining the object of the bill.

The House then divided: 300 Ayes to 119 Noes; majority, 191.\*

\* The following notices of motion were given :

6th June. Mr Boyd, (member for Coleraine). That George Mathews, of the city of Dublin, Esq., be heard by himself or by counsel, in support of his petition against the first and second clauses of the bill.

Mr Boyd: That the Rev. Henry Cook, D.D., L.L.D., Moderator of the General Synod of Ulster, be heard by himself or by counsel, in support of his petition against the bill, and also against the first, second, and third clauses of the said bill.

10th June. Mr Shaw, see text.

17th June. Mr Boyd: to add Clause 2, And be it enacted, That in all cases where such meeting-houses, schools, or other charitable foundations shall have been built, founded, or endowed for the use of one denomination, and have come into the possession of another denomination, by whose members the original foundation or endowment shall have been augmented or improved to the extent of one hundred pounds or upwards, it shall be lawful for the High Court of Chancery in England or Ireland, or other court of equitable jurisdiction, in any suit that shall be instituted for the restoration of any such meeting-houses, schools, or other charitable foundations, to direct inquiries to be made into the facts of the case in the Masters' Office; and if it shall appear to the satisfaction of the court that such meeting-houses, schools, or other charitable foundations, ought to be restored to the denomination on whose behalf it was built, founded, or endowed, but that such augmented or improved endowments ought with regard to the intentions of their respective donors to belong to some other denomination, then and in such case it shall be lawful for the court to sever from the original foundation all such augmented or improved endowments, and to direct the same to be exempted from the operation of any decree ordering the restoration of any such meeting-houses, schools, or other charitable foundations as aforesaid, and to be applied in such manner as shall seem to the court best calculated to promote the true intentions of the respective founders of all such augmented or improved endowments.

Clause 3. Provided always, and be it further enacted, that in case it shall appear to the said court that such exempted part or parts cannot be severed from the other part or parts thereof, without inconvenience and injury to the meeting-house, school, or other charitable foundation in general, it shall be lawful for the said court to ascertain by

21st June. On Sir James Graham, member for Dorchester and Home Secretary, moving the going into committee on the bill, Mr Plumptre said the bill would remove the keystone from the arch of Christianity, but he would not divide the House, as its opinion had been so clearly expressed. Lord John Russell remarked that Unitarians must have justice, and Sir Robert Peel resented the imputation of endowing Unitarianism, which had been cast upon

reference to its proper officer the actual existing value or amount of such exempted part or parts of such meeting-house, school, or other charitable foundation, which cannot be separated as aforesaid, such value to be ascertained in such manner and subject to such directions as such court may consider, under all the circumstances of the case, just and equitable; and the said court is hereby empowered to declare, that the value so ascertained shall be a charge upon and payable out of such meeting-house, school, or other charitable foundation, at such time or times, and in such manner, and subject to such orders and directions, and for such trusts in respect thereof, as the said court, under the circumstances of each particular case, shall order and direct, and subject thereto; that the said meeting-house, school, or other charitable foundation, shall thereupon be for ever afterwards held upon the trusts intended by the donor or donors thereof respectively.

Provided always, and be it enacted, that nothing herein contained shall affect any right or title to property derived under or by virtue of any judgment, order, or decree already pronounced by any court of law or equity, or affect any property the right or title to which was in question in any action or suit pending on the 1st day of March in the present year; but subject nevertheless to a power and authority to be exercised by the court wherein any such action or suit shall be pending, to institute and direct an inquiry whether any and what part of the property sought to be recovered by or in question in any such action or suit had been given, granted, or bequeathed, by persons not maintaining or professing the religious doctrines or opinions of the original donors of the property, or founders of any meeting-house in question, in such action or suit, and had been so given, granted, or bequeathed for the teaching and maintenance of other religious doctrines or opinions believed or professed by any congregation then occupying or frequenting such meeting-house as aforesaid, at the time of any such gift, grant, or bequest; and shall and may separate such property from the other portion thereof in question in any action or suit, and shall and may direct that it shall and may be held and enjoyed by such parties, for such purposes and upon such trusts, and subject to such regulations as to the said court shall seem meet, any custom or legal opinion, practice, or judgment to the contrary thereof in anywise notwithstanding.

Add to Clause 4, And whereas there may be individuals and families deriving annuities or salaries from such charitable foundations who have come into possession of the same unconscious of any change from the original intention of the trust, and with regard to the continuance of which doubts might arise; therefore be it enacted, That it shall be lawful for the High Court of Chancery, or other court of equitable jurisdiction in England or Ireland, to direct that such annuities or salaries, or any portion thereof, shall continue to be paid during the lives of all who shall be in receipt of such annuities or salaries at the time of issuing any decree for restoration of any such charitable fund to the intentions of the original founder.

17th June. The Earl of Hillsborough, (member for County Down). That clauses 2 and 3 of the bill be struck out, and the following clauses substituted in lieu thereof; the same clauses as Mr Boyd's, with the addition of the following:

Clause 5, And whereas it is expedient to provide a more summary remedy in cases of breaches of trust of any such meeting-house as aforesaid, as well as for the just and upright administration of the same; be it therefore enacted, That in every case

the bill, asserting that it benefitted equally all Dissenters possessing property of that nature.

Mr Shaw, member for Dublin University, Recorder of Dublin, referred to the disadvantage the opponents of the bill were under in consequence of Sir Thomas Wylde, who it had been understood would oppose it, having changed his mind the night before the second reading, and of Mr Boyd, who had given notice of

of a breach of any trust of any such meeting-house as aforesaid, or whenever the direction or order of a Court of Equity shall be deemed necessary for the due administration of any such trust as aforesaid, it shall be lawful for any two or more persons to present a petition to any Court of Equity in England or Ireland, as the case may be, having jurisdiction in cases of charitable trusts, stating the matter of complaint, and praying such relief as the nature of the case may require; and it shall be lawful for such court to whom such petition shall be presented as aforesaid, and such court is hereby required to hear such petition in a summary way, and upon affidavits or such other evidence as shall be produced upon such hearing, to determine the same, and to make such order or decree therein, and also with respect to the costs of such application, as to such court shall seem just; and such order or decree shall be final and conclusive, unless the party or parties who shall think himself or themselves aggrieved thereby, shall within two years from the time when such order or decree shall have been passed and entered by the proper officer, have preferred an appeal from such decision, to the House of Lords; provided always, That every such petition shall be signed by the persons preferring the same, in the presence of and shall be attested by the solicitor or attorney for such petitioners, and shall be submitted to and allowed by Her Majesty's Attorney or Solicitor-General, and such allowance shall be certified by him before such petition shall be presented.

And be it further enacted, That no such petition, nor any proceedings thereon, or relative thereto, nor any copy of such petition or proceeding, shall be subject or liable to the payment of any stamp duty whatever.

28th June. Mr Shaw, see Text, (second clause).

Viscount Jocelyn, (member for King's Lynn). That, in the second clause, instead of the words "any suits relating to such meeting-house," be substituted the words "the passing of this act."

Lord Ashley, (member for Dorsetshire). To substitute the following for clause 3 :

Provided always, and be it enacted, That nothing herein contained shall affect any right or title to property derived under or by virtue of any judgment, order, or decree, already pronounced by any Court of Law or Equity, or affect any property the right or title to which was in question in any action or suit pending on the first day of March in the present year; but subject, nevertheless to a power and authority to be exercised by the court wherein any such action or suit shall be pending to institute and direct an inquiry whether any and what part of the property sought to be recovered by or in question in any such action or suit had been given, granted, or bequeathed by persons not maintaining or professing the religious doctrines or opinions of the original donors of the property or founders of any meeting-house in question in such action or suit, and had been so given, granted, or bequeathed, for the teaching and maintenance of other religious doctrines or opinions believed or professed by any congregation then occupying and frequenting such meeting-house as aforesaid, at the time of any such gift, grant, or bequest, and shall and may separate such property from the other portion thereof in question in any action or suit, and shall and may direct that it shall and may be held and enjoyed by such parties for such purposes and upon such trusts, and subject to such regulations as to the said court shall seem meet; any opinion, practice, or judgment to the contrary thereof in any wise notwithstanding.

amendments, being absent in consequence of the illness of a relative.

Mr Darby (West Sussex), Colonel Sibthorp (Lincoln), Sir Walter James (Hull), Mr Lawson (Knaresborough), and Colonel Verner (Armagh County), spoke against the bill; Mr Sergeant Murphy (Cork), Mr Collet (Athlone), Mr Ward (Sheffield), Mr Mark Phillips (Manchester), The Hon. John Stuart Wortley (West Riding), and Mr Bickham Escott (Winchester), for it.

The House then went into committee. Mr Hardy (Bradford), moved that the bill should be entitled, "a bill for the relief of Dissenters, commonly called Unitarians," or "certain persons dissenting from the United Church of England and Ireland," but on the Solicitor-General, Sir Frederick Thesiger, member for Woodstock, pointing out that the first clause benefitted all Dissenters, he withdrew his motion.

Mr J. Stuart Wortley, noticing Lord Lyndhurst's expressions in his judgment in the *Hewley* case, p. 320. "If we are correct . . . Unitarian doctrines and Unitarian purposes," said, he did not intend to protect trustees who had so acted; he also pointed out that the Irish Presbyterians were on a different footing from that of the English Dissenters. Mr Shaw then stated that very few of the Irish chapels, not twenty-two out of five hundred,\* had trust deeds, but that they were part of a body governed by a yearly Synod, which had a recognized standard of faith. He moved the insertion after "therein," of "Where no particular religious doctrines or opinions are contained in any book or other documents preserved among the authentic records of any recognised Synod or religious body, or preserved by the congregations attending their meetings." The language of this amendment would have suited the case of Independent congregations, but stated the case of the Synod of Ulster, a Presbyterian body with a recognized standard of faith, so weakly as to prevent the true point from being seen, and almost to shut it out from argument.

The Solicitor-General opposed the amendment because the documents proposed to be referred to could not prove the intentions of the founders of the chapels, and he referred to *Dill v. Watson* as shewing that the Presbytery of Antrim had been Arian from its foundation.

\* i.e. of the Presbyterian Church in Ireland formed by the union of the Synod of Ulster, the orthodox part of the Synod of Munster, and the Secession Church.

Mr Shaw said that he did not know the case as to the Presbytery of Antrim, but the Synod of Ulster never intended to take proceedings against it or the Remonstrant Synod. He represented the Synod as saying, "We only want to secure the right we have always enjoyed, the right of bringing actions against those of our own body who are endeavouring to get away their property. Let us have our property; we do not want upon any technicality of law to get possession of Unitarian property." Mr Shaw professed himself willing to maintain the rights of the Presbytery of Antrim and the Remonstrant Synod.

The Attorney-General said the Synod founded no chapels, and that the principle of the bill was that the original congregations, though professing some particular doctrines for themselves, did not intend that their successors should be bound by their doctrines to all time, while the object of the amendment was, that the Synod of Ulster might preserve their faith in their present chapels, but the committee to do so must deal with faith, and not with property. He added, "The fact is, that the Synod of Ulster think that if there exists any tendency in the Protestants of the North of Ireland towards Unitarianism, this provision, if introduced into the bill, would tend to put a check on it. I can assure my right honourable and learned friend that if such a tendency exists, no act of parliament will or can stop it."

Sir Robert Peel referred to the Presbytery of Antrim being Arian from the beginning, and to the Synod of Ulster and Remonstrant Synod as having separated by consent, and said that the declaration that the Presbytery of Antrim and Remonstrant Synod were not intended to be interfered with by the Synod of Ulster would relieve them from apprehensions, for which they had good grounds, in consequence of the Synod's resolution of 1st March, 1843 (p. 482).

The mistaken assertion as to the Presbytery of Antrim being Arian from the beginning was thus turned against the Synod; and it seems to have been so convincing to Mr Shaw as to induce him to disclaim the Synod's real intentions, and so reduce them to the humiliating position of opposing the act through fear lest they should lose others of their chapels. The case of the Synod was unanswerable if it had been clearly and fully stated, viz., that they had been from the beginning rigid Trinitarians professing the Westminster Confession, that the laws of their church required subscription to it, and that the

Presbytery of Antrim were expelled for not subscribing it, that therefore there was no need of their chapels being by deed dedicated to the support of any doctrines, that they had very few deeds by which to define their tenets, and that the acts of their Synod set up and maintained an unchangeable standard of orthodoxy for every congregation under their care. The committee then divided: For the amendment 45, and against it 163; majority 118.

Mr Shaw then moved to substitute sixty for twenty-five years as the period of limitation, contrasting it with the period of adverse possession necessary to gain a title against ecclesiastical sole corporations, in whose case an adverse possession must have continued during the period formed by two incumbencies, and six years after the appointment of the third incumbent, if such period amounts to sixty years, and if not, then during such additional time as will with such period make sixty years, so that the establishment cannot lose any real property till it has been in other hands for sixty years, and until at least three incumbents have had full time for claiming and recovering it, (while a layman loses his land if for twenty years out of possession of it,) on the ground that a clergyman with a mere life interest has not the same motive for incurring the expense and trouble of litigation as a common proprietor, and therefore a benefice should not be despoiled of any property until three incumbents have neglected to recover it. In the case of the chapels only twenty-five years is allowed by the act for suits instituted for the restoration of chapels to their proper use, although no one has any beneficial ownership in them, and litigation for such an object is most expensive and hazardous. The reason assigned for the selection of this period by the editor of the debates is that it was proper that a witness should be twenty-five years old at the commencement of the period to which he had to depose, but why he should not be more than fifty at the time of his giving this evidence it is difficult to say. No doubt twenty-five years was adopted as the first round number (a quarter of a century) since 1817, when first preaching against the doctrine of the Trinity became lawful; it being obvious that, as an illegal act would not be allowed to become the foundation of a right, the period of limitation could not commence before 1817; and any longer period would have made the act valueless as regards the cases it was intended to serve.



Mr Hardy and Colonel Sibthorpe supported this amendment, but it was negatived without a division.

Lord Jocelyn declined to press the one of which he had given notice after the fate of the others.

A question arose as to the meaning of the phrase "usage of the congregation," when Sir Robert Peel stated that the motion and phrase were both taken from Lord Eldon's judgment in *The Attorney-General v. Pearson*.

Mr Hardy then moved an addition to clause 2, which was eventually adopted as the last sentence of it, but there was a division of 188 to 62 on the whole clause, which was to all intents the bill.

Lord Ashley was not ready with a clause framed on his notice.

Mr Shaw said that on the hearing of the *Attorney-General v. Drummond*, it was arranged that the decision as to a sum of £2000, part of the General Fund the subject of that suit, (being the principal set apart to provide £100 a year for the Strand Street Chapel), should stand over until the suit then instituted as to that chapel should be disposed of; and this produced a conversation as to the suits for the Strand Street and the Eustace Street Chapels, and as to the Irish Chancellor reserving his judgment in the latter case after intimating an opinion in favour of the relators, in the course of which the Solicitor-General stated that the case of the Eustace Street chapel was stronger for the Unitarians than that of the Strand Street chapel; so that no inferences are to be drawn from the proceedings in the case of the last-named chapel not being before the public.

Mr Godson also spoke. He said that there were two chapels in his borough (Kidderminster), one an old one and the other built by a Unitarian secession from it; that both were the property of their congregations, and they conceived they might be affected by the present state of the law, and he wished justice done to such congregations. This remark shows how completely the act was misunderstood even by a Queen's Counsel, the founders' intentions were protected by the old law, and put in jeopardy by the new one. The old chapel, it should be stated, was preserved by the course of proceeding referred to at page 40.

28th June. On the day fixed for the third reading, Mr Colquhoun,\* member for Newcastle-under-Lyne, urged that a com-

\* It should have been mentioned that in the debate on the second reading Mr Colquhoun answered Mr Macaulay's argument, and showed the difference between recovering an estate held upon a religious trust and recovering a tailor's bill, which that gentleman had mentioned as parallel cases.

mission should have been issued to examine into the case of every chapel. He argued that where the expenses of a suit would exceed the worth of the chapel there was no danger of litigation, and pointed out that Lady Hewley's Charity Fund was saved, but her chapel would be lost by this bill. He showed the danger of litigation under it, and warned the house against breaking in upon the principles of law which regulated all trust property. Sir Robert Inglis supported this view.

Lord Eliot, member for East Cornwall, Irish Secretary, seemed to think that the Synod of Ulster had no better argument to use than the illegality of heterodoxy before 1817. He relied also on the outlay upon the chapels by persons of the opinions of the holders.

Sir Thomas Wilde explained that he had met the opponents of the bill when himself adverse to it, but had never been asked to take a leading part in the opposition, or been supplied with papers by them; that he had not undertaken their case, but had merely obtained from the government further time for consideration of the bill; and that he had not been applied to again until the day before the second reading, when he told the persons applying to him he should support the bill.

Mr Shaw closed the debate by a protest, "That the obvious tendency of the measure will be to encourage and favour one small body of the Dissenters, namely, the Unitarians, who alone desire the bill, while the great and overwhelming majority of the Dissenting community of all parts of the kingdom warmly oppose it, as injurious to their just rights of property, and offensive to their conscientious principles in religion."

28th June. The bill was returned to the Lords with the Commons' amendments, and ordered to be printed by 1st July.

1st, 8th, 9th, and 11th July. Petitions for and against the bill were presented; and the Bishops of Durham and Norwich, Earl Fortescue and Lord Campbell, made remarks in support of it, and the Earls of Wicklow, Fitzhardinge, Galloway, and Roden and the Bishop of Exeter, spoke against it. The Bishop preferred the bill as returned, but pronounced it inconsistent with itself, and a stultification of the Lords' decisions.

15th July. The Commons' amendments were considered. The Bishop of London moved that they be considered that day three months. The Chancellor, the Bishops of Durham and Norwich, and Lords Brougham and Cottenham, spoke in favour

of the bill, and the Bishop of London, the Earls of Roden and Galloway, and Lords Teynham and Lyttelton against it. Lord Cottenham justified himself from remarks on the amendment which he proposed on the bill passing. A few words with which Lord Lyttelton concluded at once his speech and the debates, put the matter in its proper point of view, "I think the words of this [the second] clause greatly narrow the field allowed to the courts for discovering the intention of the founder; and the introduction into the law of a new principle of this breadth is neither necessary nor safe."

On the division there were: For agreeing to the Commons' Amendments, content, present 100, proxies 102, total 202. Not content, present 27, proxies 14, total 41; majority 161.

The minority of nine on the third reading consisted of the Marquis Cholmondeley; the Earls of Mountcashel, Winchelsea, and Brownlow; Viscount Combermere; and Lords Teynham, Boston, Arden and Kenyon.

The following particulars refer to the division on agreeing to the Commons' amendments.

Bishops voting for the bill: Durham (Maltby), Norwich (Stanley), Hereford (Musgrave), St. David's (Thirlwall), and Worcester (Pepys).

Prelates voting against the bill: Archbishop, Armagh (Beresford); Bishops, London (Blomfield), Llandaff (Copleston), Gloucester (Monk), Chichester (Gilbert), Rochester (Murray), Salisbury (Denison). The Bishop of Exeter did not vote as he saw it would be of no avail, but he entered his protest.

Absent prelates: Archbishops, Canterbury (Howley), York (Vernon Harcourt); Bishops, Bath and Wells (Law), St. Asaph (Carey), Bangor (Bethell), Carlisle (Percy), Chester (Sumner), Oxford (Bagot), Ely (Allen), Ripon (Longley), Peterborough (Davys).

Singularly enough the English Archbishops, and the Bishops who were to be Archbishops, were absent, except that the Bishop of Hereford voted for the bill. All the law lords, except Lord Wynford, voted for it, and they were a goodly number; Lyndhurst, Brougham, Abinger, Cottenham, Langdale, Campbell, Denman, Dunfermline, and Plunket. All the Romanist lords except the Viscount O'Neill, and almost all the Scotch and Irish lords, were in the majority.

The minority of the lay lords were Dukes, Manchester, Buck-

ingham, Newcastle; Marquis Cholmondeley; Earls, Cardigan, Galloway, Mansfield, Egmont, Roden, Mountcashel, Carnarvon, Onslow, Clancarty, Denbigh, Essex, Dunmore, Mayo, Cardigan; Viscounts, Doneraile, Combermere, Lorton, O'Neill, Maynard, Sidmouth; Lords, Teynham, Boston, Kenyon, Lyttelton, Calthorpe, Bayning, Blayney, Carbery, Bexley, Walsingham, Grantley, Feversham, Wynford, Willoughby de Broke, Castlemaigne, Rayleigh, and Hood. The list includes peers who paired.

The Duke of Manchester and the Earl of Denbigh remembered the principles of their ancestors or predecessors; but not so the Dukes of Bedford and Cleveland, the Earls of Shaftesbury, Warwick, Manvers, and Harrowby, (the two last descended in the male line from ejected ministers), Carlisle and Tankerville; Viscounts Hereford, and Hawarden, or Lords St. John, and Foley.

The members of the House of Commons are to be thus classed on all the divisions taken together:

	FOR THE BILL.		AGAINST THE BILL.		ABSENT.	
	Min.	Opp.	Min.	Opp.	Min.	Opp.
English	115	183	108	17	149	32
Scotch	9	17	2	2	11	12
Irish	2	31	20	1	16	32

There voted on every division:

		FOR THE BILL.				AGAINST THE BILL.	
		Min.	Opp.			Min.	Opp.
English	...	36	24	..		18	0
Scotch	...	6	6	...		0	0
Irish	...	1	7	...		8	1

The following English members voted against the bill on all the divisions: Mr Adderley (North Warwickshire), Lord Ashley, (Dorsetshire), Mr Blackburn (Warrington), Mr Bruges (Devizes), Sir John Chetwode (Buckingham), Mr Colquhoun (Newcastle-under-Lyne), Mr Dickenson (West Somersetshire), Mr Farnham (North Leicestershire), Mr Hardy (Bradford), The Honourable E. J. Harris (Christchurch), Mr Henley (Oxfordshire), Viscount Jocelyn (King's Lynn), Mr MacGeachy (Honiton), Viscount Pollington (Pontefract), Colonel Sibthorp (Lincoln), Sir Henry Smyth (Colchester). Colonel Rushbrooke (West Suffolk) voted in the majority on the second reading, but afterwards against the bill.

The bill as brought into the House of Lords, and the Act as passed, with the variations in italics, will be found in the ap-

pendix, and notes will be added to the latter showing the reasons for the minor changes.

The false pretences on which the bill was passed have been pointed out in remarks on the speeches, but they must be recapitulated together to be properly estimated.

The chief of them was that the Presbyterians did not from the Revolution hold any settled doctrines as being essential to Christianity, and purposely inserted vague trusts in their chapel deeds, in order that their successors might use their chapels for the support of any other opinions which they might adopt from time to time. Any one at all acquainted with their books will know that such a fancy was never for a moment entertained by them; yet this was the leading proposition for the support of which the proofs were compiled, although the reader has seen how completely they failed to establish it; and the defendants' counsel in all the cases laboured this point more than any other, but without in the slightest degree inducing the judges to entertain it. Nevertheless this baseless figment underlies every speech delivered in support of the bill. It is difficult to say whether this pretext was or was not made as to the Irish chapels. The minute of 1716, p. 372, is conclusive that it did not apply to them at that date; and when the founders of the Presbytery of Antrim advanced the notion that dogmas were nonessential, they did not refer to the English Presbyterians as keeping them in countenance.

The next pretence was that it was impossible to ascertain the personal opinions of the founders of any particular chapel, although the case of the Hewley charity had decided that such matters were not to be enquired into. Such an argument from the lawyers, especially from Lord Lyndhurst, was inexcusable. It should be noticed, moreover, that it was assumed, without any enquiry, that endowments connected with a chapel, made while it was supposed to be in the possession of Socinians, were intended to support Socinianism, although the givers had not expressed such to be their intention.

Another pretence, boldly stated by the Attorney-General, and insinuated by the Chancellor, (for even he, though his course had been one series of changes, could not avow any doubt of a decision confirmed first by himself, and afterwards by the House of Lords, under his presidency), was that the Socinians might after all be held entitled to the chapels; but what they said should have no more weight than if they had been counsel

talking for their fees. The House of Lords had decided the point on the broad ground of the proved, and indeed notorious, opinions of the so-called English Presbyterians; and the Irish judges had taken the same ground with regard to the body more properly bearing the name in Ireland.

Another false pretence was that it was uncertain who were entitled to the chapels, while it was certain that if Independents were not entitled to those in England, Scotch Presbyterians must be. The Independents would have been entitled, as both denominations held the same faith, practised the same mode of worship, agreed that each congregation should manage their own affairs without interference or control, and throughout the country, for forty years from the Toleration Act, until the spread of Arianism, their ministers associated together for ordinations and brotherly conference, without distinction, and became indifferently pastors of congregations of either denomination; the Presbyterians having adopted the ways of the Independents, and by 1719 abandoned even their theoretical approbation of subscription. If on the other hand the decision went by names and not realities, and no difference should be seen between congregationalism (or the independency of congregations,) and Presbyterian government, and between non-subscription and subscription, (though this, after all that has been urged by Socinians and Independents seems scarcely possible), there were Scotch Presbyterians, of one name or another, ready to take the chapels. This pretence could not be for a moment urged in the case of the Irish chapels, since from whichever body they were claimed, the Presbytery of Antrim or the Remonstrant Synod, they or the chapels with which they had been associated had originally belonged to the General Synod.

The only reason given for disregarding the intentions of the founders was the unfairness of appropriating to Trinitarian purposes funds contributed by Arians or Socinians, as secondary endowments, or for rebuilding the chapels; most stress being laid on the widows' fund of the Strand Street Chapel. The possession of the chapels, as a mere wrongful enjoyment of a charity, apart from outlay on them, would not have proved sufficient to justify and perpetuate itself even in the eyes of that "chambre introuvable," Sir Robert Peel's last House of Commons. But what reason was there for heterodox endowments being held sacred, and for control over orthodox foundations being pur-

chased by them; and why should the intentions of a secondary founder or rebuilders prevail, while those of an original founder were to be altogether disregarded?

Another false pretence was to make the bill applicable to all dissenters' chapels, when it was intended, as was avowed in the progress of the argument, to apply to the case of the Socinians only. The Chancellor in the debate on the Commons' amendments said:

It has been suggested that those persons who introduced or concurred in the introduction of this bill introduced it for the purpose of giving encouragement to Unitarians. Nothing could be more foreign to the intentions of those who introduced this bill. It was meant as a bill giving relief, and was intended to give relief to the whole body of dissenters. It might at one period affect the interest of one class; it might at another period affect the interest of another; but the principle of the bill, the ground of its being introduced into this house, was for the purpose of preventing expensive litigation, for the purpose of applying to the dissenting church, if I may so express myself, that principle which is applied to all other property of every description in this country; for the purpose of preventing property that was given to charitable purposes being diverted from those objects, and put into the pockets of lawyers, of the danger of which there is abundant evidence.

His lordship should have seen that the bill could be for the benefit of all denominations of Nonconformists alike only because their deeds were all equally vague; and as no one accused the old Independents of latitudinarianism, this consideration destroyed every argument adduced for the bill. But the plan of legislating for a single case under the guise of a general amendment of the law was not new to his lordship; for he had early in his chancellorship brought in a bill to regulate the whole marriage law of England in order to meet a particular case, which also was connected with the North of Ireland. He must in his last sentence have referred to the bruit of coming suits raised by the Socinian party, though he might seem to have alluded to the two firms who, between them, commenced all the suits with which we have had to do. He could not, as he was of a very kindly nature, have intended any reflection on men so respectable, and he must have known that they could be no gainers by suits the exact facts and true merits of which when gathered with great difficulty from the divines assisting in or instigating the proceedings, they would have to put into every-

day language and a business shape, in order to secure their being understood by counsel whose thoughts were, in more respects than one, alien to such matters; suits in which it was requisite to preserve the technicalities of theology, amidst the technicalities of the old equity pleading, not only in direct statement, but in charging misfeasances or misrepresentations, in framing interrogatives such that sooner or later they must be answered with a sufficient degree of truth and precision, and until such answers were obtained in taking exceptions to evasions and equivocations certain to expose and set them aside; and suits which imposed the still harder task of devising methods whereby to prove beyond all doubt the religious faith and practice of past generations who subscribed no creed and used no prayer book, and the religious faith of opponents whose only principle was to make the rejection of all authoritative dogmas their bond of union. The same remarks apply, though in a less degree, to every similar suit which might afterwards have been undertaken by other solicitors, and should show that they also could never find in taxed costs, the only remuneration of such suits, any inducement to useless litigation. A suit for recovery of a chapel, even one having an endowment, is about the last speculation any solicitor competent to carry it through would undertake, even if, living in London, he saved agency charges.

It was another false pretence that the bill sought to make suits for estates or funds held upon trusts for religion subject, like all other suits for property, to a period of limitation, for its authors did not dare, though from what has been said it is evident that they wished to do so, to tamper with trusts for specified doctrines, and it answered their purpose to pass a bill confined to cases of general trusts requiring evidence of the founders' intentions.

But it really was a false pretence that the old meeting-houses were not dedicated to particular doctrines, when the trust deeds expressed that they were held for Presbyterians, or for Protestant Dissenters, the last expression having at that day the definite meaning of the two associated bodies, of which the Presbyterians were the most numerous and important. The Judges had no difficulty in stating the doctrines which these names indicated.

The pretence made by the original bill, of respecting founders' intentions, when it would have had the contrary effect and



have prevented their chapels being ever again used for the support of their faith, was so gross that it is wonderful that the infamy of the scheme was not avoided by men all so clever, and some of them generally so careful to observe decorum.

It was a false pretence that the act was passed to prevent money dedicated to a charity being spent in litigation, as the judges must have given costs against persons defending suits which had the authority of the House of Lords to warrant them; and besides there was indicated during the debates a cheaper method of procedure, specially adapted to the case of the old chapels.

It was a false pretence that it would be necessary in future suits to discuss such doctrines as the Trinity and the Deity of Christ, either in court or at chambers, as the House of Lords had in *Wilson v. Shore*, entirely settled the question, not only for England but for Ireland also, as was shewn in the *Attorney-General v. Drummond*, then under appeal, and no inferior court would have permitted an argument contrary to a decision in which all the courts had agreed, and in which the House of Lords had followed the opinions of the common law judges, as well as the judges in equity.

The false pretence of seeking to avoid profanation of sacred doctrines, scandalous litigation, and uncertainty of a right decision, as if these results were all inseparable from suits such as that which rescued Lady Hewley's estates from misappropriation, will be best shewn by the unavoidable result of any proceedings by which the act itself could be put in force. In the meanwhile it must be noticed as mere hypocrisy for the State, (the guardian of charities), to preserve sacred themes from being profaned by lawyers wrangling over them, by handing over funds dedicated to uphold the common faith of Christendom to men who would lower it to the unmeaning truisms of natural religion, in which the Deist, the Jew, the Mahomedan, and the Buddhist can unite on equal terms. Every legal inquiry into erroneous doctrines involves undesirable discussions of them, but this consideration does not outweigh the reasons for its being instituted.

All the evils just enumerated, the prevention of which by the bill was no doubt the ground on which the majority of both Houses voted for it, must be carried to the greatest height in suits depending on proof of the doctrine preached in a chapel during the last twenty-five years. It is

difficult for the most practised speaker to convey with exactness his opinions on any of the doctrines respecting the preaching of which such suits will arise. The most competent hearers will scarcely trust themselves to give a fair account of a sermon recently heard by them on any controversial topic, and in an ordinary congregation but very few such hearers will be found willing to give throughout a sermon the attention necessary to qualify them to give evidence respecting it. In many cases a right judgment cannot be formed otherwise than on the very words used, and who will undertake to repeat them? Notes made for the purpose of giving evidence will be open to the objection that the writer must have been under a bias which rendered his testimony not to be relied on, and if they were taken without any special interest or object, there will be no certainty that sufficient care was bestowed on them. Men of education and judgment will not come forward as witnesses in such a matter, but will leave the office to those whose ignorance and presumption render them blind to the difficulties they are undertaking.

The doctrines which avowedly it was the single object of the bill to establish in old meeting-houses were in themselves most vague and uncertain. To define Socinianism is, on the testimony of those who profess it, to bind the fleeting Proteus.

The Hewley trustees declared p. 265, that amongst persons holding what are called Unitarian principles there is great diversity of opinions. Mr Wellbeloved said p. 267, "that very few persons agree in the definition of the term Unitarian, and that sects entertaining very different opinions claim it for themselves; that he did not agree in some very important points of doctrine with any sect that either takes to itself or receives from others the application of 'Unitarian,'" and in the same answer he said that he could not "take upon himself to state what is the religious belief of the members of his congregation, for he had made no inquiries, and had received little information on the subject from the major part of them, but from their continued attendance on his ministry he presumed that their views of Christian doctrine were something like his own." The defendants in the Eustace Street case stated that "the bond of congregational union and the fundamental and distinguishing principle of the congregation in that chapel, had been the rejection of all human creeds, articles, and confessions of faith, as the standard of religious doctrine, and the admission and reception of the Holy Scriptures alone as the rule of faith and practice, and the recognition of the right of private judgment and free inquiry in all matters of scriptural inter-

pretation," p. 462. The defendants in the General Fund case added, "that in conformity with the said principle, the ministers and members of the said congregations respectively are at liberty from time to time to adopt such views of Christian faith in relation to the doctrine of the Trinity or any other doctrine, or asserted doctrine of the Christian faith as may appear to them consonant with scripture, without incurring thereby the forfeiture of any right, temporal or otherwise, which they may enjoy as members of the said congregations respectively," p. 435. The defendants in the Hewley case said, "that Mr Cappe was not in the habit of preaching doctrinal sermons, but habitually urged upon his hearers love to God, faith in the Gospel of Jesus Christ, and the practice of holiness and righteousness, which was, as the proofs say p. 123, "the manner of the divines of the school to which he belonged," Accordingly Mr Hincks "could not say whether he ever heard the preaching and doctrine or the sermon delivered [at the York chapel which he attended] such as he should call a Trinitarian sermon or otherwise; but he believed he had generally heard Mr Wellbeloved and Mr Kenrick preach what he considered to be Unitarian doctrines." The trustees inform us, p. 276, "that the doctrines now entertained by Unitarians materially differ from the doctrines which distinguished the persons in Lady Hewley's time called Socinians." The trustees' defendants in the Wolverhampton case said, p. 214, "they were not of exactly the same religious opinions, but although of different persuasions, they all believed in the existence of God and the propriety of worshipping and serving God."

So varying and uncertain, as the law lords well knew, was the doctrine which the bill sought to establish on proof of twenty-five years' usage, and yet they could found their bill on the ground of the uncertainty as to the doctrines held by Oliver Heywood, Richard Baxter and John Howe (all referred to in the Hewley case as representatives of the Presbyterians), and their brethren, whose labours raised the first Presbyterian congregations, or whose liberality built their meeting-houses. It is difficult to see what usage there can well be, or what will be the benefit of it, where the minister and congregation have many different opinions among them. It may further be asserted that there are very few Socinian ministers during the last twenty-five years whose own opinions have not undergone great changes on points really fundamental on their own showing, at least in other persons' estimation. It seems impossible to state the doctrines of discourses dwelling on mere morality, on the love and mercy of God, the acts of Christ's

human nature, and His teaching while Judaism had not been superseded by Christianity, or of any negative system of theology. Yet, although the judges might not find in them any thing beyond a few topics of mere natural religion, as it is called, yet they will have to reduce the few incoherent notions which can be distilled from the expressions which the witnesses may happen to use, into the shape and nature of a creed thenceforward to be tolerated in the particular chapel. The task will annoy a judge the more in proportion as, by acquaintance with religious subjects and the habit of considering them, he is competent for the office of creedmaker which he would find thus devolved on him. His only method of avoiding the labour and disgust occasioned by such an occupation will be to make two classes, the one of those who come up to his own notion of orthodoxy, and the other of those who depart from it, treating as one the infinite varieties of error, and if he finds error has for twenty-five years been taught in a chapel, to take any system which the persons in possession there present to him as their notion of religion, and declare it may be taught there until the congregation shall grow tired of it. But will this be a decision on such a subject worthy of an English Judge?

The worst part of such a suit will however be the partisanship and unscrupulosity of the witnesses distorting every notion which they depose to, the rancour with which they will repeat the most sacred words, and the imputations of perjury which will be bandied about between the parties. Counsel will run riot in their deductions of either fact or doctrine, from the farrago which the pleadings and evidence will present. Such abominations must always accompany suits to be decided under the act, and they have been rendered inevitable forsooth by consciences too delicate to tolerate the discussion of religious doctrines by counsel!

Such a bill passed both houses of parliament not so much because introduced by the skill of Lord Lyndhurst and Sir William Follett, and supported by the government, the leaders of opposition, and the law lords, as because the cause of orthodoxy had no advocate in either house, fully to present the real facts of the case, and the principles of law involved in it.

Sir Robert Harry Inglis, Mr Plumptre, Mr Colquhoun, and Mr Fox Maule, and even Bishops Blomfield and Philpotts brought to the debate only the general information of Christian gentlemen, and they could feel what was unjust and sacri-

legions in the measure much better than they could express their convictions, in opposition to the clear and apparently fair manner in which the most persuasive orators in their respective houses, both being also lawyers, had explained the grounds and the effect of it. The government, according to their tale, were stepping forward, in aid of men opposed or supposed to be opposed to them in religion and politics, in order to prevent a crying injustice about to be perpetrated, by the resuscitation of persecuting statutes and antiquated rules of law, to the scandal and offence of the whole kingdom, and to the benefit of no one but solicitors speculating in chancery suits. To counteract the impression produced by such statements when made by the highest officials in the kingdom, orthodoxy needed in each house but one competent champion. But he must have been a lawyer himself to enter into the matter fully, much more to speak upon it with any authority; and he must have made himself master of the history and doctrines of the dissenters of the chapel-building age, and the evil days which succeeded it, and also of the details of the trials, an account of which has been given in these volumes. That would have required so much time and labour, even if for the historical part the attention had been confined to the proofs on the one side, and Mr Joshua Wilson's pamphlets on the other, that it was not to be expected that a mere volunteer would have presented himself to undertake it. Lord Lyndhurst had acquired a knowledge of the matter during two hearings of the Hewley case, and besides the line of argument which best suited his purpose lay on the surface, and required little thought; while a report of his speech was sufficient instruction to Sir William Follett, even if he had not been previously acquainted with the history of the old chapels, and the ways of the heterodox who worshipped in some of them. The task of the speaker who undertook to answer either of them was an entirely different matter. He would have addressed an audience entirely satisfied with the *prima facie* utilitarian views of the subject which had been instilled into them by the great orator who had introduced the bill to their notice, and to succeed he would have had to induce them to take the trouble of obtaining a much deeper insight into the facts, as to the chapels and the doctrine of the Presbyterians, than they would have gathered from all the speakers for the bill, and of mastering the principles on which trusts, and es-

pecially charitable trusts, are administered in England ; he would have to call on them to do right, although it was on behalf of persons professing Calvinistic opinions, and though they might have in some ten or a dozen cases to leave congregations of respectable size, and consisting of rich and influential people, to the justice of the law. Nor could it have been expected that either house would have made the effort necessary to understand the matter by listening to a thorough discussion of it, instead of legislating upon it under the guidance of sentiment, prejudice, or trust in a Tory administration. The matter ought to have been thoroughly sifted by a select committee of the Lords, by whom deeds and documents would have been called for, and witnesses compelled to attend, and all would have taken the form and attained the reality of an entirely judicial proceeding ; the result in that case must have been the same as it had been in the courts, although all the law lords would have been on the committee, because both sides would have been fully heard, and all would have taken place under the public eye. This method would have ensured the consideration of the whole matter, facts, legal principles, and legislatorial reasons, by a thoroughly competent tribunal. It would also have admitted the employment of counsel who would have put themselves in possession of the whole case, and displayed it in all its strength. Such a committee in such a case was so much a matter of course that Lord Lyndhurst offered and promised it to the Synod of Ulster. Mr Fox Maule's statement to that effect, made on the second reading in the Commons, before Mr Gladstone and Sir Robert Peel had spoken, was never contradicted. A select committee of the Lords did sit on the bill, but it was only to consider whether the bill should apply to Ireland, so that the Synod could not have been heard before them ; but that committee ought to have seen that before any change was made in the law as to trusts for religious charities, as just settled by repeated decisions of a case fought on every stage of appeal, and followed by judgments of Lord Cottenham himself, Sir Edward Sugden, and the Irish Court of Exchequer, all treating the settlement as not admitting even of a cavil, there ought to have been the fullest, and most impartial consideration of the subject, after hearing every one who wished to give evidence, and compelling all disclosures suggested by either of the parties. A report would have been obtained setting out the evidence, stating conclusions and making recom-

mendations founded upon it, which would have put every member of either house in possession of the merits of the case.

The debates showed how necessary such a preliminary investigation was. The House of Lords passed the bill with only one division, that on the third reading; the minority consisting of nine lords only, and there being no bishop among them. Their lordships really cared about the bill for the first time on considering the Commons' amendments, but only to find that the bill having been passed by their House, there was nothing to be done but to scrutinize the alterations, and as they were real improvements, and in accordance with the spirit of the bill, to pass them. The melancholy issue revealed to the country that the upper house had lost its claim to be considered the certain guardian of the religious charities, the property, and the old laws of the country, as it had fallen under the dominion of lawyers who, not laying aside the habits of their earlier lives when they had risen to seats among the old nobles of the land, abused the forms and practice of the House, by tricks which would scarcely be tolerated in any town council.

The bill passed the Lords and the second reading in the Commons, with its second clause, which was really the whole measure, of such a nature that every one felt that it must be entirely changed, not indeed in its effect but in the mode of its operation. That change was, in the same stealthy and underhand way which marked the whole course of the measure, accomplished in or previously to the committee, without a word being said about it; though a division took place upon the clause which it is difficult to account for upon the speeches, as they appear in the volume so often referred to, which purports to be a copy of Messrs. Gurney's short-hand notes. The majority on that division, excluding all hope of any amendment being carried, all motions which had not fallen through by the absence of those who had given notice of them were abandoned. Even that respecting the period of limitation, so palpably unjust, called forth no other remark than those made by Mr Shaw in withdrawing it. Every speech in either house betokens the need of reliable information on the subject. Sir Robert Peel and Lord John Russell expressed their astonishment at the argument being all on one side, and that circumstance should have suggested to them the necessity of a select committee. Lord John was not ignorant of religious matters, yet his speech betrayed a

consciousness that he had not sufficient knowledge of a matter of such manifest delicacy and importance to justify his voting on it, without the objections to the bill having been stated by a practised debater in possession of the whole merits of the case.

It is a great pity Mr Boyd was not able to attend and urge the appointment of a select committee, before which the Synod of Ulster should be heard by counsel, but as the bill had come from the Lords, and their house was the proper place for the enquiry, it cannot be asserted that if he had carried his motion, it would have had much effect. As to the institution of any new method of proceeding, the House, being bent on preventing all litigation to the disadvantage of the Socinians, would not have stultified themselves by entertaining the question. Lord Hillsborough's absence was not accounted for in the debate, and if it was occasioned merely by unwillingness to encounter such a host as he would have had against him, especially to oppose details when the principle had been carried, it is certainly not to be wondered at. Mr Shaw was apparently a volunteer, who interfered because, knowing something of the matter, he could not but protest against the chapels being lost for want of there being deeds relating to them, or because those by whom, and those for whom, any such deeds were penned, could not foresee that there ever could be a doubt as to the Presbyterian faith. It is strange that throughout the debate no speaker likened such a deed to one in favour of the United Church of England and Ireland. As an argumentum ad hominem this ought to have settled the question, for no member of either house could have suggested there would be doubt as to the system of doctrine specified by such a trust. The Proofs, p. 91, hint at such as an argument for their side of the question, but the difference between Tillotson or Hoadley and evangelical divines cannot fairly be shown to have extended to their opinions as to the Deity of Christ. The comparison may suggest thoughts sufficient to make a nonconforming theologian smile, but reasons or analogies drawn from the Establishment, whether expressed or not, will without doubt always govern an English Judge having to decide any matter of fact or right in regard to doctrine in connection with the trust deed of a dissenting chapel.

The Socinians could not approve of the bill without an entire renunciation of the one principle again and again put forth by them in season and out of season, viz., that a Protestant Non-



conformist congregation has a right to change its opinions without losing its chapel. As the bill passed the Lords no alteration of a usage protected by the act could have been proposed or attempted, not even the return to the founders' opinions, without any dissatisfied individual having the power to maintain the usage by application to Equity: under the act the congregation may, perhaps, in spite of opposition founded on the usage, return to the founders' opinions, but they cannot make any other change until the usage has ceased, and then the act will not apply to the chapel until a new usage for twenty-five years has arisen, for in the meantime the chapel will be under the old law, and the founders' opinions only can be legally taught in it. So far is the act from securing liberty of thought. In any suit decided under it a particular creed will be framed for the chapel, and will be imposed on it in perpetuity, under the penalty of the chapel being again subject to a trust for the founders' opinions. Socinians will after litigation hold the chapels on condition of not contravening a written form of doctrine; and without litigation they hold them so long as they profess the system, not written, but sanctioned by usage according to the act. So that they keep their chapels solely on the footing of submitting either to an imposed system of doctrine or to an imposed creed, and have the advantage of retaining the property only by violating their one principle. The new faith is simply substituted for the old one, and the congregation is not a whit more free, except as that new one is unmeaning.

It should be noticed that this act will not prevent such suits as that respecting the Hewley charity, or the Clough or Killinchy chapels. But it is apprehended it will affect chapels having trust deeds, such as that of the Wolverhampton chapel, either expressly stipulating that the worship shall be according to the Toleration Act, providing for the case of the worship becoming illegal, or otherwise indicating that only doctrines in accordance with that act were intended to be promoted. Yet such a deed, not only in Lord Eldon's opinion but in Lord Cottenham's also, on the face of it, precluded Socinians from taking any benefit under it, and there is good reason to believe that the deeds of the majority of the old chapels are of this description. It may be suggested that such provisions were introduced to prevent the trusts of the chapels from being impugned on the ground of illegality, but the language employed is generally too precise to

be thus explained away, and where it is otherwise, preaching against the Trinity was too expressly excepted from protection by the Toleration Act for a court not to hold it as expressly forbidden by a reference to that statute. In construing these deeds, it should be borne in mind that the Presbyterians approved of the subscription required by that act, pp. 106 and 139, and that the Blasphemy Act of 1697, if not passed at their instance, was passed after an address by their ministers in accordance with the principles on which it was founded. The resolution of the Synod of Ulster, to the same effect, has also been quoted before, p. 372. There is therefore every reason for supposing the reference to the act in such deeds intended to define the faith to be supported by the chapels, and it seems clear that the framers and supporters of the act of 1844, by the expression "doctrines in express terms required to be taught," designed to prevent another decision such as the Wolverhampton one. Yet Lord Lyndhurst and Sir William Follett, instead of referring to that case, talked about the one relating to the Hewley charity, which did not bear upon the question. The Bishop of London made a general reference to the *Attorney-General v. Pearson*, and Lord Cottenham merely stated the expense of it, and that was all the House of Lords heard of it. Mr Colquhoun again made mention of the case on the third reading, but the attention of neither house was drawn to the operation of the bill on chapels held under similar deeds. This will, perhaps, be regarded as the most audacious perversion of justice which it will effect.

The Congregational Union should have petitioned that all chapels which by their trust deeds were dedicated to the use of Independents might be exempted from the operation of the act, as sufficiently protected by the old law, since there never had been any doubt as to the doctrines which they were intended to promote, and they would be put in jeopardy by the uncertain and unsafe provisions of the bill. This would have had the two-fold effect of destroying the argument for the bill founded on the vagueness of trust deeds, and of showing the opinion which the honest possessors of chapels had of the working of the new scheme.

We now come to the application of the act, by Lord Chancellor Sugden, to the case of the *Attorney-General v. Hutton*.

On the 28th November, after the passing of the act, the defendants moved the court to discuss the information under it. It was opposed, on the ground that no fixed doctrine had been

taught in the last twenty-five years, and that at any rate Damer's and Lowton's charities were founded while the congregation was Trinitarian.

**THE LORD CHANCELLOR.** This case now comes before me upon the provisions in the 7 and 8 Vict., c. 45, which by the third section enables defendants to apply to the court for the benefit of the act, where the suit as in this case is by information only, and not by bill, and wherein no decree shall have been pronounced. Before this act I should have decided in favour of the Attorney-General, as to the general fund; but I had not made up my mind as to the accretions; and I was anxious, as far as the law would permit me, to leave them to the body for whom they were intended, as an endowment by the several donors.

The act by the first section removes a difficulty to which I adverted in the *Attorney-General v. Drummond*, but to which I need not now further refer. (His lordship then read the second section.) Now assuming in this case that the usage could operate to give a good title, it has been argued for the Attorney-General, first, that the usage must be one known to the persons really entitled to the property, as in an adverse claim of a right of way. Counsel assumed for the purposes of their argument that Trinitarian doctrines had been preached until the 57 Geo. III., when the penal law against preaching Unitarian doctrines was repealed; and then they asked where was the evidence before 1830, of the open avowal of Anti-Trinitarian doctrines, which would have enabled Trinitarians entitled to the charity to apply for redress to this court? Secondly, it was insisted that the defendants denied by their answers that they were an Unitarian society, and described themselves as a congregation bound by no human authority, and at liberty to change their belief without being excluded from the body, as often as their judgment satisfied them that they were in error. Such a body, it was argued, did not fall within the act; for the usage of the congregation was the thing to be acted upon, and that must mean a congregation with a fixed and settled doctrine.

First. I think that there is evidence in this case, that for a period long prior to twenty-five years before suit, and therefore long before the 57 Geo. III., the religious doctrines or opinions taught in the meeting-house were Anti-Trinitarian. Philip Taylor clearly was an Unitarian, and Mr Hutton, who was appointed in 1788, and who is now senior minister of the congregation, was and is an Unitarian. That the congregation was, during the period to which I refer, Unitarian, is, I think, proved by the evidence; that the religious opinions taught were Anti-Trinitarian, is proved by the sermon preached by Philip Taylor, in December, 1815, upon the ordination of Dr. Drummond, and which was read to me, for the first time, upon this motion, and by other

evidence, and by the affidavits now filed, to which there has been no reply. Counsel were not entitled to argue this case, as if Trinitarian doctrines had been preached down to the 57 Geo. III., for it is undeniable that the contrary doctrines had been preached before that Act passed, although it was illegal to do so. There is also clear evidence that for a very long period the mode of worship, which was considered not to be struck at by the law, was Unitarian, for it was invariably addressed to God alone. It appears to me, therefore, that during the whole period of twenty-five years, to which the act refers, there was an open preaching and worshipping in this meeting-house, according to Anti-Trinitarian doctrines, of which the relators might have obtained full knowledge if they had inquired, and which would have justified them in instituting a prosecution in this court to recover the property. If, therefore, the first argument be well founded in law, it fails upon the evidence.

Secondly. It appears to me that this latter branch of the argument cannot be sustained, for it is a mistake to suppose that there is no bond of union in this congregation. It is based upon the very principle objected to, viz., the right of private judgment in all matters of theological doctrine. But that privilege is exercised before a man joins the congregation. In the exercise of their private judgment they have all arrived at the conclusion that the doctrine of the Trinity is not authorized by the Word of God, and therefore it is that they form one congregation, with ministers of the same persuasion, by whom that doctrine alone is preached, and by which ministers and congregation God alone is worshipped. The congregation is one of Unitarians, strictly professing the doctrines, and confining themselves to the worship prescribed by that sect. The right of private judgment, therefore, reserved to every member after he joins the congregation, amounts to little more than a man may enjoy in the Church of England, or in most dissenting bodies. He may, although he change his religious opinions, assist, if he please, in the worship of the congregation, and listen to the sermons addressed to the body; but the former will still be addressed to God alone, and the latter will not be enlarged or modified so as to accord with his new view of the Scriptures. It appears to me that this is a congregation clearly falling within the act, and that their usage for twenty-five years will give a title to the defendants.

As to the alleged necessity for fixed opinions, the act contemplating the right claimed by these bodies to change their religious opinions, has not required them to adhere to the same religious opinions in order to secure the property which the law gives to them, but has merely provided that such religious doctrines as have been taught for twenty-five years may properly be taught there.

It was pressed upon me in the argument for the Attorney-General

that I should bear in mind, that although the acts have repealed the penalty for preaching or writing against the Trinity, yet that the common law offence still remains ; and the case of *Rex v. Waddington*, (1 B. and C. 26), and the observations of Lord Eldon in the Bedford charity case, (2 Swanst. 470), were relied upon ; but in the case of *Shore v. Wilson* (9 Clark & F. 355) in the House of Lords, the judges were unanimous that the statutory penalties against preaching Unitarian doctrines were repealed, and that it was not illegal at common law, although no doubt Waddington was guilty of a blasphemous libel, which of course was not protected by statute, and was an offence at common law.

It was then insisted that as to two of the properties, viz., Lowton's and Damer's, there was a trust in express words, which prevented the operation of the usage, though established for twenty-five years. This led first, to the discussion upon the meaning of the act, and secondly, to the consideration of the particular trusts.

It was first insisted that in such cases as *Lady Hewley's* and the *Attorney-General v. Drummond*, the act could not apply ; for in those cases there were express terms creating the trusts, and all that the judges professed to do was to inquire in what sense those terms were used ; and when that was ascertained, the definition or construction must be considered as embodied in the deed. But this does not appear to me to be the true construction ; for in the cases referred to, the words in the instruments declaring the trusts might, in their ordinary import, include other persons than those intended ; and such persons were only excluded by an inquiry as to the sense in which the words were used by the donor, which were shown by proving that those expressions had, at the period they were used, a particular and confined meaning attached to them. Even in the case in the House of Lords, after all the evidence before the House, two of the judges thought that the trust embraced some large bodies, who by the judgment of the House were excluded. I understand this act to provide, that where the religious opinions or doctrines are not defined, the usage of twenty-five years shall prevail. The provision is, that, so far as no particular religious doctrines or opinions, or mode of regulating worship, shall on the face of the instrument, either in express terms or by reference to some book or other document, as containing such doctrines or opinions, be required to be taught, &c., the usage shall prevail ; so that the instrument, or some book or other document referred to by it, must contain in express terms the particular religious doctrines or opinions, or mode of worship, to be taught or observed ; which provision cannot be satisfied by any general gift or donation, as in *Lady Hewley's* case, or the *Attorney-General v. Drummond*, (I am,

of course, alluding only to the naked gifts in these cases), but the instrument on the face of it, or by reference adopting a document containing them, must specify the particular doctrines to be taught. This is further proved by the proviso, that where any such minister's house, &c., shall be given by any instrument, which shall declare in express terms, or by such reference as aforesaid, the particular doctrines intended, then the same shall be applied to the promoting of the doctrines so specified, notwithstanding any usage to the contrary. Therefore, where the particular doctrines are declared in express terms, or specified, the parties cannot avail themselves of usage contrary to the will of the founder; they might have known that they were acting illegally; but if, on the face of the instrument, the donor has not specified the doctrines, usage is to prevail; twenty-five years' usage shall, in effect, settle the construction, without allowing or requiring resort to testimony, contemporaneous usage, or the like, in order to ascertain the sense which the donor meant to attach to his expressions.

I come now to apply these general observations to the cases before the Court. The first is Damer's in 1719. Damer lodged £1,700 with Mr Weld, the minister, and two other persons, and by the trust deed it was declared that part was to be applied towards building a new meeting-house for the Protestant Dissenting congregation, then of New Row, "for the service and worship of God in that way." The remaining £1,500 was to be invested in lands upon trusts, upon which no question has been raised. Now the chapel so erected is still the meeting-house of the Protestant Dissenting congregation which succeeded the congregation of New Row; whether the ministers teach the same doctrine is a different question. I am of opinion that in this case the twenty-five years' usage must, under the recent act, prevail; for here is nothing distinct or specified. It is, "for the service and worship of God in that way," that is, in the way of the congregation then of New Row. This is no declaration in express terms of the doctrines intended, or by reference to any document containing such doctrines. The house, therefore, could not be applied to the promoting of the doctrines specified; consequently it appears to me that effect must be given to the usage.

Lowton's donation was in 1741. By his will he gave to three trustees a house and £1,800, and by a letter of instruction of even date, addressed to them, he stated that knowing them to be all just men, and well affected to the Protestant religion and to the Christian Church, whereof they were members, he had made the gift to them. The trusts were, to assist in supporting and maintaining a gospel minister of the Presbyterian persuasion to preach the Gospel to the Presbyterian congregation, whereof he was a member, meeting for divine worship in

Eustace Street, and to instruct them and their successors for ever in the true principles of the Christian religion. The congregation is here pointed out, as in the former case, but the particular doctrines to be taught are not specified. Unitarians profess to be well affected to the Protestant religion, and to the Christian Church, whereof they are members. They declare that their minister is a gospel minister of the Presbyterian persuasion, who preaches the gospel to the congregation named, and that their ministers are instructed in the true principles of the Christian religion. This would have been no answer to the claim against them before the late Act of Parliament, but now it is otherwise. There is no particular religious doctrine or mode of worship on the face of the letter in express terms, or by reference to any document containing such doctrines required to be taught.

It was said that an Unitarian could not take the declaration in the 19 Geo. III c. 44, by which he is to declare that he is a Christian and a Protestant, and as such believes that the Scriptures, as commonly received among Protestant Churches, contain the revealed will of God. That act did not repeal the penal clause in 1 William and Mary, against persons denying the Trinity; but the clause was repealed by the 53 Geo. III c. 160. These were English acts. The Irish Act of Toleration is the 6 Geo. I, c. 5, but that by the thirteenth section, excepted persons who in preaching or writing denied the Trinity. The 57 Geo III, c. 70 repealed this penal clause in 6 Geo. I, and extended to Ireland the provisions of 19 Geo. III and 53 Geo. III, the English acts. The Legislature therefore has enabled Unitarians to take the declaration in 19 Geo. III. The Legislature has abolished the penalties of preaching against the Trinity, but it has not altered the nature of the religious doctrines professed by Unitarians. It treats them, therefore, as Christians and Protestants, and as believers that the Scriptures, as commonly received among Protestant Churches, do contain the revealed Word of God, or at least enables them to make that declaration, if they think fit; and it was stated at the bar that Unitarians feel no difficulty in availing themselves of that liberty. This shows with how much latitude such general expressions are to be taken.

One learned Judge, (Mr Justice Maule), who delivered his opinion in the House of Lords, in *Lady Hewley's Case*, was of opinion that the trust there for "poor and godly preachers, for the time being, of Christ's Holy Gospel," included all sects of Protestant Nonconformists tolerated by law for the time being, and consequently Unitarians, as Unitarians were commonly, and always had been, considered as forming a part of the Christian community. Another of the learned Judges (Mr Justice Erskine) held that poor and godly preachers for the time being of Christ's Holy Gospel, included all poor and holy men, preachers of the

Gospel as received by English Protestants, at the date of the deed, whether they were Conformists or Nonconformists, Churchmen or Dissenters, but he excluded Unitarians. Another Judge, (Mr Justice Coleridge), with hesitation, excluded Churchmen. Another learned Judge (Mr Justice Williams) thought that the very generality of the language in that case created the embarrassment and the necessity of limitation, and undoubtedly the question raised upon the meaning of the general terms did create the difficulty. Chief Justice Tindal expressed it as his opinion that the words, if taken separately and singly, would, in their literal meaning, be large enough to comprehend all men of pious and godly habits of life, who preached the true doctrines of the Holy Gospel, of whatever church or persuasion they might be, whether priests of the Church of Rome, or beneficed clergy of the Established Church in England, or Dissenters from that Church, of every denomination, provided only they possessed the two requisites, viz, that they were men of godly habits of life, and preached the true Gospel of Christ; but the learned Chief Justice thought that evidence was admissible, and that, upon the weight of it, Roman Catholics, Churchmen, and Unitarians, should be excluded. I quote these opinions to show that such expressions as those in *Lady Hewley's case* do not amount to a declaration in express terms, upon which the court can safely act, of the particular doctrines to be taught, but require extrinsic evidence to explain the sense in which they were used by the donor. This was the mischief, which the Legislature intended to prevent, and to substitute in such cases twenty-five years' usage as a sort of Statute of Limitation.

I ought to observe that although the question here arises upon a claim from usage by Unitarians, and they are now entitled, like other Protestant Dissenters, to avail themselves of that defence; yet the act is not confined to Unitarians.

I have been called upon to consider certain objections founded upon the nature of the doctrines of Unitarians, and I have declared my opinion that those objections cannot be sustained. In examining whether the twenty-five years' usage is established, I have been compelled to consider what were the doctrines preached and the worship observed; but beyond this I am not at liberty to enter into the consideration of the nature of the religious belief of the defendants; they stand on the footing of other Protestant Dissenters, and as such are entitled to the benefit of the new law.

The information therefore must be dismissed; but the Attorney-General and the relators must have their full costs out of the charity funds.

This is taken from 1 Drury 523. It should have been stated



that the account of the case already given, p. 459, was taken from p. 476 of the same volume, and from short-hand notes of the hearing taken by one of the defendants' counsel, which were also published as a pamphlet.

It does not appear that the Chancellor's own expressions at p. 472 were urged upon him. As they stand they imply that the congregation held Socinian opinions, while Dr. Ledlie preached Arianism to them, and that Mr Hutton the other minister was a Socinian. How could he then discover that there had been any definite usage, unless he proceeded as suggested at p. 556?

Supposing that the parliament had determined that the old chapels ought not to be left as they were, but that it should be determined to whom they belonged, and that complete justice should be done in respect to them and all endowments connected with them, Mr Boyd's and Lord Hillsborough's notices pointed out the method which should have been adopted. Indeed the government had recognized the propriety and necessity of it when mediating between the two parties of Irish Presbyterians. It may obviate objections to go into details.

Three commissioners should have been appointed (one on the suggestion of the Socinian party, one on that of the opponents of the bill, and one independently of both parties,) to visit every town or village in which there was a meeting-house founded or supposed to be founded by a congregation in existence before the year 1750. They should have been invested with power to compel the production of deeds and other documents, and the attendance and examination of witnesses, and should have been directed to have all their proceedings taken down in short-hand.

In case the deed of a chapel contained any direction or indication, express or by reference, as to the doctrines to be taught in it, the commissioners should have ascertained whether those doctrines were taught there.

If the trust deed of a chapel did not contain any such direction or indication, they should have required satisfactory evidence as to the doctrines taught in it, and any older chapel on the same site, and any chapel which the congregation had previously occupied.

Particulars of all endowments connected with any chapel of such an age should have been obtained.

In case a chapel which had ever been in the hands of Trini-

tarians was found occupied by Arians or Socinians, the commissioners should have procured correct information as to the times of the original foundation, of the addition to it of any land, or of the erection of any new or additional building on the original or added land. Mere repairs should have been passed over as devolving on the possessors for the time being of the trust property. Rebuilding not occasioned by the decay of the former edifice, but undertaken at the mere pleasure of those who contributed to it, should have been treated as a voluntary gift to the persons properly entitled to the chapel. The value, at the time of the enquiry, of additions or improvements should have been ascertained separately from that of the original trust premises.

The report of the commissioners' proceedings should have been acted upon by a special tribunal, and under a new course of proceeding. For England one of the Vice-Chancellors should have been appointed to decide all matters connected with the old meeting-houses, and any land or buildings held with them, and any other trust property connected with them; with an appeal to the full Court of Review. For Ireland the Master of the Rolls should have been the selected judge, with an appeal to the Chancellor. No appeal to the House of Lords should have been allowed. The main proceedings should have been by way of petition, and not of information or bill, and subject to that limitation, the selected Judge and the appointed Judges or Judge of appeal should have had full power to make rules for regulating proceedings under the act.

Copies of any parts of the report of the commissioners should have been furnished at low prices. Any person within a fixed time disputing the report as to any statement or valuation respecting any chapel, or any endowment connected with it, should have been at liberty to file exceptions to it, and each person's exceptions should have been heard separately. Any part of the report as to which exceptions were allowed, should have been referred back to the Commissioners as often as necessary.

When a report as to any chapel had been confirmed, if a Trinitarian congregation were in possession of it, whether Independent, Presbyterian, or Baptist, their possession of it, and of any building or land held with it, and of any endowments connected with it not originating with Socinians, should have been made indefeasible. Any such chapel in possession of an

Arian or Socinian congregation, with any land or buildings held with it, and any endowment connected with it founded by Arians or Socinians, (as the case might be,) should have been offered to that congregation at the reported valuation after deduction of the reported valuation of any improvement or addition which had been made to it while the chapel had been in possession of a congregation of their opinions, and such congregation might have declared any trusts of the chapel, and any buildings and land held with it, as distinguished from endowments, which they pleased. If such congregation declined the purchase, the chapel should, if in England, have been offered to any Independents who would undertake to maintain worship there, subject to their paying the valuation of any addition or improvement made to it, while the chapel was in the hands of Socinians. If it was in Ireland it should have been offered to members of the Synod of Ulster, subject to their paying the value of any addition or improvement made while it was in the hands of Arians.

Any chapel not otherwise disposed of by the Court under the act, and any other building and land connected therewith, and any endowment connected therewith, which could not be advantageously attached to any other chapel, should have been sold by the Court to any purchaser for any purpose, or otherwise converted into money.

The monies paid by Independents, or members of the Synod of Ulster, for any additions or improvements valued separately, or the sale monies of any such additions or improvements, after apportionment if necessary, any endowment founded by a Socinian connected with a chapel given to Independents under the act, and any endowment founded by an Arian connected with any chapel given to members of the Synod of Ulster under the act, should have been paid or transferred by the Court, subject to all necessary directions, to the most eligible congregation of Socinians or Arians (as the case might be); and in case such congregation had afterwards ceased to exist, all such monies and property should have been made again subject to the disposal of the Special Court if in existence, or otherwise to the Court of Chancery.

In case of discontinuance of the worship in any chapel disposed of under the act otherwise than by sale, such chapel, and any buildings and land or endowment connected therewith, should

have again become subject to the disposal of the Special Court if then in existence, or if not, of the Court of Chancery, and have been given to Independents, unless formerly given or confirmed to them by the Court, and in that case should have been sold.

The price of any premises sold should have been paid, under proper provisions, to Independents or members of the Synod of Ulster, according as the chapels sold were in England or Ireland, and by them expended on chapels, to be subject to the disposal of the court on the discontinuance of the worship in them.

Power should have been conferred on the Court to make orders vesting in new trustees any chapel buildings, land, or endowments, given to Independents or members of the Synod of Ulster under the act, or to invest the trustees of any such chapel, or any chapel built with monies paid under the act, with any powers which might be desired, except power of sale or mortgage. All future appointments of trustees of property subject to the act should have been made according to forms prescribed by the act and enrolled in Chancery.

Parties taking exceptions to the Commissioners' Report, or opposing any application to the Court, unless in cases where further enquiry was manifestly desirable, should have paid the costs of all proceedings which they rendered necessary.

Persons obtaining orders for confirmation or gift of premises, transfer of endowments, or payment of monies, should have paid their own expenses of their necessary proceedings, except costs occasioned by unreasonable opposition to such proceedings.

The court should have been trusted without the Attorney-General being a party to any proceedings under the act.

The expenses of the commission should have been provided by Parliament, as have been the expenses of other commissioners relating to charities.

Thus all ends would have been accomplished. Socinians or Arians would have retained Socinian or Arian endowments, and might have bought their chapels on easy terms. Trinitarians would have been confirmed in the chapels as long as they used them. Independents or members of the Synod of Ulster would have had the offer of the chapels not confirmed to other bodies or purchased by Socinians or Arians, on paying for any additions or improvements by Socinians or Arians; and the price of any premises sold would have been given to Independents or members of the Synod of Ulster, as the case might be, to be laid out by

them on chapels to be subject to the provisions of the act. All endowments would have been dealt with separately and equitably.

The result of the act is that it confirmed Socinians as successors to the following divines, whose opinions have been discussed in this volume; in London, to Richard Baxter and Matthew Silvester in Carter Lane; to John Shower in the Old Jewry; to Thomas Doolittle in Monkwell Street; to Dr. Calamy and Obadiah Hughes in Stamford Street, as representing Prince's Street, Westminster: in the country, to Matthew Henry at Chester; to Francis Tallents at Shrewsbury; to John Fairfax at Ipswich; to Samuel Bury at Bury St. Edmund's and at Lewins Mead, Bristol; to Timothy Jollie at Sheffield; to Dr. Gilpin and Benjamin Bennet at Newcastle-upon-Tyne; to Dr. Colton at York: in Dublin at Eustace Street, as representing New Row, to Dr. Winter, Samuel Mather, Nathaniel Mather, and Nathaniel Weld; in Strand Street as representing Cook Street, to Dr. Thomas Harrison, and as representing Wood Street, to Mr Boyse; all these worthies believed in the perfect Deity of Christ, as is proved by the sermons, treatises, or letters left behind them, or by the testimony of their contemporaries.

It may be said that this general effect argues a general cause, and no doubt it does so, but that cause was not latitudinarian or diaphorist opinions in the great men just mentioned; it lay in the general want of proper discipline in their methods of church government, as to both the Englishmen and the Irishmen, and particularly in the choice of their successors by the seat-holders, whether religious men or not. It must however be again said that the systems which permitted such defections were Presbyterian only in name. But whatever might have been the defects which occasioned the evil, it is appalling to think that a British Parliament should have set aside old rules of law to give to Arians or Socinians such men's chapels, whether the original buildings or others substituted for them.

Would the majorities of both Houses have voted for the bill if they could have foreseen that in 1866 a resolution, to the effect that persons denying the origin and authority of the Christian revelation to be, specially and immediately, divine were not fit members of the British and Foreign Unitarian Association, would have been met by a motion for putting the previous question? The utmost extent of divergence contemplated by the authors of

the Proofs stopped short of the absolute renunciation of the Divine authority of the teachings of Christ and his Apostles, p. 170.

It is a sad end of the once powerful denomination of English Presbyterians, that with the exception of seven or eight chapels in the Northern counties which have fallen into the hands of one or other of the Scotch denominations, their places of worship have either passed away to the once inferior body of the Independents, or have retained their name only to make it synonymous with heterodoxy.

The state in which the Socinian chapels were in 1830, when the Attorney-General v. Shore was commenced, (and things had not mended with them afterwards), is shewn by the following quotation made by the late Mr Isaac Taylor, (in a volume of Essays published in 1859,) from the "Monthly Repository," the Essay in question being written in 1830 :

There are a few of the old chapels situated in large and flourishing towns, in which congregations worship, respectable both as to numbers and character. From the narrow sphere of the Unitarian view however they are greatly overrated. Everything is small or great by comparison. To a child, a house of six rooms is a mansion ; to Unitarians, a Bristol or a Manchester audience is magnificent ! But let these half dozen flourishing congregations be deemed of as highly as we will, still six prosperous societies out of some three hundred, is a small proportion. We do not mean to intimate that all the rest are dying or dead, far from it. There is a large middle class which supports a healthy appearance, but many of the old chapels among us are in a pitiable state. Of our own knowledge we can speak of some scores that scarcely shew signs of life. The muster of hearers in them will not average more than 30, the salary of the minister not more than £70 per annum. . . . How much of intellectual excellence is lost ! and for what ! To reveal the story told in Mr Wright's narrative of his missionary life and labours, to conduct in decency a few sexagenarians to the grave, and then to close the doors. . . . If this is not the probable end of no few of the old Presbyterian chapels, we are yet to learn what other fate they can in all probability undergo.

He afterwards gives this quotation from a Unitarian author, whom he does not indicate :

The full evidence of this assertion is not adduced till it be stated that perhaps one half of the insignificant stipends paid to their ministers proceeds from the charity of preceding ages. We do not, we think, over estimate the amount of endowments in possession of Unitarian trustees. In many instances the whole of the salary proceeds from

endowments; and though the minister is obliged to unite two arduous professions in order to find the means of a humble subsistence or, where a school is not attainable, is obliged to live on the very edge of poverty, and though there is one or more persons in his flock of ample and superfluous means, yet the utmost that is done by voluntary contributions is the raising enough to defray the expenses of opening and cleaning the chapel; and we have known instances in which any extraordinary outlay, arising from repairs or the delivery of lectures, has been subtracted, either wholly or in part from the minister's pittance. In other cases not the whole, but a part, generally the chief part of the tiny sum received by the minister, proceeds from endowments. A few instances there are in which no endowment is possessed; and we declare it as our conviction that the societies where this is the case are in general the most flourishing. And now then, we freely and heartily say, that we wish that all the endowments possessed by our body were irretrievably sunk to the bottom of the ocean. Other denominations, poorer than we a hundredfold, have them not, and flourish: we have them, and we languish. They have been, they are, an incubus to our cause, and the orthodox could not do us a greater service than to wrest them from our hands.\*

The Socinians according to their own statement for this year have in England not so many as two hundred chapels supporting a minister and having two services on the Lord's Day,† in addi-

\* These quotations cannot be inserted here without an acknowledgment of the fearless sincerity which alone could have prompted such appeals.

† The following, among others, seem Presbyterian foundations: Ainsworth; Cockey Moor; Banbury; Belper; Birmingham, (Old Meeting), Church of the Messiah, (New Meeting); Blackley; Bolton-le-Moors; Boston; Bradford, Yorkshire; Bridgewater; Bridport; Bristol, Lewin's Mead; Bury, Lancashire; Bury St. Edmunds; Buxton; Chester; Chesterfield; Chichester; Chorley; Chowbent; Colyton; Coseley; Coventry; Cradley; Crediton; Crewkerne; Derby; Dewsbury; Diss; Dorchester; Dudley; Dukinfield; Evesham; Exeter; Framlingham; Gainsborough; Gateacre; Gloucester; Gorton; Halifax; Halstead; Heywood; Hinckley; Hindley; Huddersfield; Hull; Hyde, Cheshire; Idle; Ilminster; Ipswich; Kendal; Kidderminster; King's Lynn; Kirkstead; Knutsford; Lancaster; Leeds, (Mill Hill); Leicester; Lewes; Lincoln; Liverpool, Renshaw Street, Hope Street; London, Hackney, Hampstead, Stamford Street, (Longditch and Prince's Street, Westminster and St. Thomas, Southwark), Islington, (Carter Lane); Macclesfield; Maidstone; Manchester, Cross Street; Mansfield; Marshfield; Monton; Mossley; Mottram; Nantwich; Newark; Newbury; Newcastle-upon-Tyne, New Bridge Street (Hanover Square); Newcastle-under-Line; Newchurch; Newport, I. of W.; Norwich; Nottingham, High Pavement; Oldbury; Oldham; Padiham; Park Lane, Wigan; Platt; Rusholme; Plymouth; Poole; Portsmouth, High Street; Prescott; Preston; Pudsey; Rawtonstall; Ringwood; Rivington; Rochdale, Blackwater Street; Rotherham; Royston, Back Street; Sale; Selby; Sheffield, Upper Chapel; Shepton Mallet; Shrewsbury; Southampton, Stainforth Stand; Stockport; Stockton-on-Tees; Stourbridge; St. Alban's; Stratford-le-Bow; Sunderland; Tavistock; Tenterden; Todmorden; Topeham; Wakefield, Westgate; Walsley; Walsall; Warminster; Warrington; Warwick; Whitby; Wisbeach; Yarmouth; Yeovil; York.

tion they have not twenty chapels with that number of services carried on by supplies,\* and forty chapels having service only once on the Lord's day.† Cirencester chapel which was first mentioned in the list with which Mr Macaulay burdened his memory is this year returned as closed. The Presbytery of Antrim have chapels at Downpatrick, Newtonards, Belfast, Clough, Ballyclare, Banbridge, Moneyrea, Grey Abbey, Ravara, and Carrickfergus. The Northern Presbytery of Antrim have chapels at Belfast, Larne, Antrim, Holywood, and Ballyclare. Those of the Remonstrant Synod of Ulster, (under the care of three Presbyteries of Armagh, Templepatrick, and Bangor,) are at Carlingford (if not closed), Kilmore, Narrowwater, Dromore, Newry, Banbridge, Belfast, Raloo, Ballymoney, Larne, Ballyclare, Templepatrick, Glenarm, Ballycarry, Newtonlimavady, Crumlin, Ballymena, Dunmurry, Ballee, Ballyhemlin, Moira, Killinchy, Comber, and Downpatrick.

An account of the share which the press took in the controversy seems necessary to complete the history. As soon as the litigation respecting the Wolverhampton chapel commenced, the Rev. J. A. James, of Birmingham, on behalf of himself and several neighbouring ministers, addressed a letter to the Editor of the *Congregational Magazine* stating the case and calling on the denomination to contribute to its support, that the right to the old Presbyterian chapels might be fought out between the Independents and the Socinians. This was answered in another letter to the same magazine by the Rev. James Robertson, an Independent minister of Stretton-under-Fosse, in Warwickshire, at whose ordination Robert Hall preached his well-known sermon on "The Discouragements and Supports of the Christian Minister." The trust

\* Of these eleven are old meeting-houses: Accrington; Burnley; Elland; Failsworth, Dobb Lane; Heap Bridge, near Bury; Kingswood, near Alvechurch; Middleton, in Teesdale; Pepperhill, W. R.; Salford; Swinton; Tamworth.

† Of these the following seem to have been built within thirty years after the Toleration Act: Alnwick; Altrincham; Ashford, Kent; Astley; Ballast Hills, Northumberland; Barnard Castle; Battle; Bedford; Chesterton; Collumpton; Congleton; Cressbrook; Dean Row, near Wilmslow; Doncaster; Duffield; Flagg; Fleet; Frenchay; Gateshead; Hapton; High Garratt; Great Hucklow; Ilkeston; Newington Green; Longton; Loughborough; Lympstone, Gulliford Chapel; Malton; Ormskirk; Oxtou; Ripley; Rumbey Hill, Crook; Sidmouth; Stannington; Styal; Thorne; Welburn. In addition to these, the chapel at Bradwell has fortnightly services, and those at Allotstock, near Knutsford, Ashwick, Bradford Wilts, and Lea, have monthly ones. There is service at Filby on sixteen Sundays in the year (four a quarter), while it is only occasional at Alcester, and Heyrod, near Mossley.



deed of his own chapel restricted the use of it to Trinitarians, but his reasoning went to shew that any such fetters on a church or congregation were incompatible with the professed principles of Nonconformists. He also considered that repeating, from a trust deed, a reference to the clause in the Toleration Act excepting Anti-Trinitarians from its benefits rested the claim to that chapel on persecuting legislation, and was disgraceful to all concerned. Mr James sent in answer another letter to the Congregational, insisting that trust deeds were to be respected, and that to use such a reference in them merely for the true interpretation of their meaning, was perfectly consistent with the most perfect understanding and support of the principles of religious liberty. Mr Robertson forwarded another letter to the Magazine, but the editor declined to receive it as a mere reiteration of what he had said before. He then enlarged his letter and published it as a pamphlet, which Mr James and his brethren answered by another, to which Mr Mander appended an account of Mr Pearson's treatment of Mr Steward, and to this there was no rejoinder. The next publication was Mr Hadfield's volume noticed at p. 249, which it is believed was suffered to remain unanswered. The Rev. Dr. Hoppus about the same time published a pamphlet as to his dismissal from Carter Lane Chapel. Not long after this the bill filed in the Attorney-General v. Shore, produced a shower of publications on the Socinian side. Mr Tottie, of Leeds, the solicitor of the trustees, came forward to defend them professionally, but he did not give much light as to their doings, thinking it better to hold the relators up as enemies to the church, and to suggest the injury which dissenters would suffer if the Unitarian party withdrew from them their countenance and assistance. The English Presbyterian Association, (which seems to have been formed to meet the circumstances in which the body found themselves), put out an authoritative manifesto in "The history, opinions, and present legal position of the English Presbyterians." Mr Hunter then entered the lists with a pamphlet on "An historical defence of the trustees of Lady Hewley's foundations, and of the claims upon them\* of the Presbyterian ministry of England." A professional gentleman published "Observations on the Title of Unitarians and other English Presbyterians,

\* It seems necessary to state that the pronoun refers, not to the trustees, but to the foundations.

to administer or partake in the benefit of English Presbyterian and general Protestant Dissenters' trusts." Mr Joshua Wilson's first pamphlet, which was itself a reply to the statement of the Association and Mr Hunter's pamphlet, received an anonymous answer.

The Greek criticisms in the Vice-Chancellor's judgment were the subject of a pamphlet by the Rev. James Yates, M.A., who had previously been engaged in the Socinian controversy with Dr. Wardlaw; and the proceedings in the Vice-Chancellor's court generally were animadverted upon by the Rev. William Worsley, B.A. Mr Hincks thought it necessary to appeal to the public in a pamphlet against Mr Knight's remarks upon his evidence, the principal sentences of which are to be found in pp. 282-4. The explanation of his deposition seems to be his determination not to acknowledge the word "Unitarian," and to use the word "Presbyterian," as denoting persons who hold that no community of opinions is necessary to church communion. Mr C. P. Cooper's speech before Lord Brougham, see p. 296, and those of Mr Rolfe and Mr Booth, before Lord Lyndhurst, were reprinted as pamphlets and Lord Lyndhurst's judgment produced an Anonymous Letter to Lord Holland, likewise Observations by Mr J. S. Stock, a barrister, reprinted from the Law Magazine.

In 1837 the Rev. James Brookes, of Hyde, in Cheshire, published a temperate and courteous pamphlet on the prevalence of Arianism among English Presbyterians in the early part of the last century.

The affidavits used before the Master in the contest between the Independents and the Presbyterians, as forming "The third Act of the suit," (the hearings before the Vice-Chancellor and the Chancellor being the two former acts), were published by a Socinian in a pamphlet bearing that title, with a preface by the editor, and an appendix communicated by a friend, evidently Mr Hunter. The editor shews considerable acquaintance with the subject, but he does not seem to have noticed the stumbling blocks, in the shape of technical terms of human invention, which the declaration of the Congregational Union had removed out of the way, or to have seen any difference between the Independents and the Scotch Presbyterians as to the spirit, temper, modes of thought, and habits of mind with which they held the same doctrines, or indeed to have been aware that one was a non-

subscribing, and the other a subscribing body. This preface, and the pamphlets of the Association and of Mr Hunter, between them, contain the quotations to be found in the Proofs.

After the argument in the House of Lords the Socinian party printed the short-hand notes of what took place there, with prefatory remarks; and the hearing of the Wolverhampton case before Lord Lyndhurst was published with an appendix by Mr Edwin W. Field, one of the defendants' solicitors, who would seem also to have been the editor of the Report of the Debates. The Irish Arians published what was called a report of the trial as to the Clough Chapel, but was little more than a copy of Mr Holmes's speech. Mr Macrory, the solicitor for the Synod of Ulster, printed the full account of it, of which use has been made here. One of the counsel for the defendants in the *Attorney-General v. Hutton* edited his short-hand notes of the trial in that case.

When the bill was brought into the House of Lords, a Magazine was commenced under the title of the "*Presbyterian Reporter*," chronicling petitions, meetings, and articles in newspapers and periodicals relating to the matter, as well as the proceedings of the Parliament, and giving full details of the hearing of the *Attorney-General v. Hutton*; and it was continued through seven numbers, published at irregular intervals, until it gave a copy of the act as passed. Nor was this deemed enough, but the debates and all matters connected with them were published in the volume already so often referred to. Both works, for want of any similar authorities on the orthodox side, have afforded materials for this volume as to the proceedings in parliament, and all matters connected with them. There were also published addresses and letters written in support of the bill.

Of course the *Monthly Repository*, from the commencement of the suit of the *Attorney-General v. Shore*, contained a succession of articles bearing on it, most of them agreed either with Mr Tottie in his warning that the cause of dissent would be ruined if the patronage of the Socinians were withdrawn from it, or with Mr Monckton Milnes in his threats of suits in reprisal with which the Independents were to be visited. But none of these menaces have been verified; no reprisals could be made, and the cause of dissent has much advanced since Parliament and successive administrations have learnt the views of the great body of Nonconformists from themselves, and not from Socinians.

Against this list orthodoxy has only to oppose a letter to Mr Yates by Dr. Halley, of New College, and Mr Joshua Wilson's three pamphlets, the titles of which were: "An Historical Inquiry concerning the principles, opinions, and usages, of the English Presbyterians from the Restoration of Charles II. to the death of Queen Anne, 1836:" "Are Unitarians Christians? The Judgment of Baxter and the English Presbyterian fathers and founders, including Animadversions on a review of the author's 'Historical Inquiry,' 1839:" and "English Presbyterian Chapels proved to have been orthodox foundations appropriated to Trinitarian Worship, and the preaching of Trinitarian doctrines, 1844." Without the learned researches of Mr Wilson the present volume could not have been written, and the quotations in it may be considered, with very few exceptions, as transcribed from Mr Wilson's pages. It is trusted that this avowal, with similar acknowledgments which have already been made, will prevent the imputation of any attempt in these pages to assume the appearance of learning not possessed.

Mr J. Cook Evans, a barrister, on the introduction of the bill, wrote a pamphlet stating the true nature of it, which received from the editor of the Debates the compliment of his accusing Bishop Blomfield of having borrowed from it all the materials of his speech.

The list of publications in favour of the bill occupies two-and-a-half octavo pages of small print, while that of the publications against it fills only half a page.

Of the Magazines the Evangelical and the Congregational, the Christian Observer, and the Christian Guardian, did all they could to rouse their readers to oppose it. The Baptist Magazine, at the conclusion of the struggle, wrote coldly on the measure, but with more of approbation than of censure. The Presbyterian Reporter mentions Hinton as the "obscure" name of a Baptist who appeared at Exeter Hall against it, as if he had not been supported by others of his body. The Patriot for the Independents, the Record for the Evangelical party in the Church, and the Watchman and Wesleyan Times for the Methodists, opposed and chronicled every stage of the bill. The Nonconformist and Leeds Mercury condemned opposition to it, the former deprecating division among Dissenters, and the latter thinking it useless to take from Socinians chapels which Independents could not occupy. The Edinburgh Witness and the Banner

of Ulster were unremitting in their opposition. The Times, Morning Herald, and Standard were unfriendly to the bill, while the Presbyterian Reporter records the Weekly Despatch, (it might have been relied on), the Bolton Free Press, the Inquirer (the Socinian newspaper), the Kendal Mercury, the Leeds Times, the Dover Chronicle, and the Glasgow Chronicle, as having published articles in support of the bill. The Morning Advertiser seems to have allowed one communication in opposition to the bill to have appeared in its columns, but in three subsequent papers displayed more "candour, liberality, and a better spirit."

The Edinburgh Review devoted an article to praise the act and the ministry.

There remains to be told the contest between the Independents and the Presbyterians for the trusteeship or, as the latter thought, for the proprietorship, of Lady Hewley's estates, and this also requires a short preliminary statement.

The Scotch Church remained in unity from the Revolution until 1712, but in that year the act of the British Parliament was passed recognizing the right of patronage in the Crown and private persons, which has been the perpetual cause of strife. It has occasioned the formation in succession of the Secession Church, the Synod of Relief, (i. e. relief to tender consciences, not exactly a secession; they also eventually relieved themselves from Rous's Psalms, which had been adopted by the Scotch nation), and the Free Church. The Synod of Relief was the least numerous of these bodies, and arose in 1761. The Secession Church was formed in 1734, but in 1747, in consequence of disputes respecting the oath taken by magistrates in burghs, it divided into the Associate Burgher Synod,\* and the Associate Anti-Burgher Synod, the latter approaching the opinions of the

\* This method of naming a denomination from its governing body (most inconvenient to those who have to write about it), no doubt originated, in Scotland, in an unwillingness to assume a schismatic appearance, and to resign the claim of being the true ancestral and national church. In Ireland the Presbytery of Antrim retained their old name, and they were not altogether separated from the original body. Why the Remonstrant Synod did not unite with them is not perfectly clear, nor can a stranger see sufficient reason on their principles for a Northern Presbytery of Antrim in addition to the two other bodies. The Scotch Presbyterian denominations have now however for the most part taken advantage of their changes to entitle themselves churches; and the Synod of Ulster and the Irish Seceders have amalgamated under the name of the Presbyterian Church in Ireland, (with thirty-seven Presbyteries including one in India, and five hundred and forty-seven congregations,) except nine congregations forming the U.P. Presbytery of Ireland; one connected with their

Cameronians and Reformed Associate Synod of former times. Within this century the majority of the Anti-Burghers and the Burghers have coalesced and taken the seemingly pleonastic name of the United Associate Synod. It seems however that the word associate indicated a union founded in community of opinion, as distinguished from the aggregation of the churches or Presbyteries of a district.

There still remain, notwithstanding, or perhaps because of, the coalition four other bodies of Seceders, the Synod of United Original Seceders, with four presbyteries and twenty-seven chapels, one of them in Ireland, while the "Original Seceders," the "Associate Seceders," and the "Remnant of Original Seceders," consist each of a single congregation at Edinburgh, Methven, and Bridgeton, respectively. The Seceders used to complain of being called by that name, but without reason, since Secession or Seceders has always formed part of their title.

This was the first Presbyterian coalition, and it has since been followed in several instances. The Synod of Relief have, since 1836, joined the Seceders, and the new body have entitled themselves the United Presbyterian Church; other denominations call them shortly UPs, as if in rebuke of their assuming the general name Presbyterian, differenced only by an epithet either reproaching other bodies with being quarrelsome or schismatic, or betokening confidence of ultimately absorbing them.

The Free Church was constituted in 1843, and the English portion of it has been already detached, under the title of "The Presbyterian Church in England." Thus no denomination of Scotch Dissenters, except the covenanting remnant, was, at the final hearing of the suit in itself, or any one of its parts, as old as Lady Hewley's time.

In 1836, the friends of the Scotch Establishment, (for shortness they will be called Kirkmen), the Seceders, and the Relief

Glasgow Presbytery; another which has joined the Ayr Presbytery of the United Original Seceders; and the Markethill Presbytery, which has set up for itself as a Synod under its old name, like the Presbytery of Antrim. The Presbyterian churches, including the Methodists, perhaps from their habits of organization, have an unprecedented tendency to form new bodies, which other people scarcely see reason for. There are in Scotland two bodies, each calling itself "The Reformed Presbyterian Synod," one adding, as if by way of explanation, "holding the principles and maintaining the testimony of the Reformed Presbyterian Church of Scotland." It is presumed these reappear in Ireland as the Reformed Presbyterian Synod, with five presbyteries, (one in British North America), and the Eastern Reformed Presbyterian Synod with eight congregations only. Each Irish denomination, except the Markethill Presbytery, has a congregation in Belfast.

had among them 101 chapels in the Northern counties of England, (and but few others south of the Tweed), 51 being in the hands of the Kirkmen, 44 in connection with the Seceders, and 6 belonging to the Relief. By the time the evidence on the second information was taken, the Presbyterian defendants stated the number as 120. There had been many efforts to procure the incorporation of the chapels of the Kirkmen with the Kirk of Scotland, but they had always failed, because the Kirk under the Articles of Union was a local affair, and could not exist in England; and therefore in point of law and fact, the Kirkmens' English congregations were as distinct from the Kirk as the Seceders were; but notwithstanding, the Kirkmen had been in the habit of asserting on all occasions, that they were not English Dissenters, but members of a co-ordinate establishment. They were none of them voluntaries, and they made a great point of this in the suit; their opponents also admitted this fact, but drew from it arguments the contrary of those which the Kirkmen raised upon it. The Seceders, as we have seen in the Perth case, were according to their standards thorough establishment men though, as it there appeared, they ultimately changed their minds. The UPs, in taking the Westminster Confession as their standard of faith, omitted portions of it, among which is the section as to the civil magistrate; whether they have formally disowned the old persecuting covenants (to which as Seceders they found it necessary to hold it fast) is not quite so clear. The Seceders, on the Kirkmen taxing them before the Master with being voluntaries, thought it necessary and fitting to say that was a matter on which their church had not declared itself, but left each man free to form his opinion: they were not however at that time UPs.

It was stated by Mr Hall, Solicitor of Manchester, in the Attorney-General v. Wilson, that the chapels at the following places, then held by Kirkmen or Seceders, were in existence in Lady Hewley's time: Berwick, two; Lowick; Etal; Great Salkeld; Birdhope Craig; Morpeth; Alnwick; Wooler, two; Halfold Lane: South Shields; North Shields; Brampton; Newcastle, three; Penriddock; Penrith; Carlisle; Barrington; Belford; Swallowwell; Sunderland; Stamfordham; Long Framlington; Harbottle: in Southern counties, London Wall; Crown Court, Drury Lane; Swallow Street, Piccadilly; Stafford; and Garrigill. Mr Hall estimated those held by Socinians at seventy-six, but did not mention the number possessed by Independents.

It was stated by the Scotch Presbyterians in both suits that after Lady Hewley's charity took effect the Presbyterian fund established in London transferred to it the support of the congregations in the Northern counties. In no one particular did the Presbyterians of the Northern counties differ from the dissenters calling themselves by that name in the South of England; every congregation managed its own affairs without any control or interference. They were united only in an association, or periodical meeting of Presbyterian and Independent ministers, for conference merely, without any power over the churches. There is positive proof of this as to Lancashire, Yorkshire, Cumberland, and Westmoreland, see p. 19. Mr Dodson's sermon (the quotation from which is reprinted at p. 98) was preached to the association of the last two counties. The Rev. William Turner in 1827 was the successor of Dr. Gilpin and Benjamin Bennet, in the pastorate of the most important congregation in orthodox times in the north of England, that of Newcastle-upon-Tyne; and from his sermon mentioned at p. 285, and all the information we have on the subject, it is clear that no presbytery existed in Northumberland after the Commonwealth, until a presbytery was formed there by ministers in quasi communion with the Kirk, and there is no proof of its existence prior to 1751, except that it is said to be betokened by the book of its minutes beginning with that year. The only accounts we have of that book are from authorities by no means accurate as to English matters of that date.

To return to the suit. It would appear, from the Kirkmen's affidavits, that there had been an understanding between them and the Seceders, that when the Hewley estates should be finally adjudged to Trinitarians, they would jointly come forward and claim the whole as belonging to Presbyterians; and that the Seceders had been intrusted with watching the matter. Neither party, it should be mentioned, had offered any assistance to the relators in the contest with the Socinians, or intimated that they should make the claim which they were meditating. The Seceders' affidavits, used in the master's office, alleged that the relators had intimated their willingness to allow them the nomination of one trustee of each description, but they did not state that this offer was either accepted as sufficient, or objected to as falling short of the Seceders' rights, or that any further communication on either side was stipulated; and the



most probable conclusion is that some unauthorized conversation only had taken place, to which little thought and no weight was given by either party, and which was not followed up on either side.

As soon as Lord Lyndhurst had confirmed the Vice-Chancellor's decree, the relators considered the matter safe, though very likely the other parties did not, by reason of their knowing the Socinians' confidence in their appeal. The relators then proposed a list of trustees of both descriptions, and it would have been confirmed by the Master in a few days, when the Kirkmen heard of it, and the Rev. Charles Thompson, of South Shields, sent a circular to several of his brethren in the north, asking for authority from their congregations to act for them in the matter. The circular stated that the unauthorized interference of Presbyterian brethren in the North West of England, i.e., the Seceders, in disregard of their agreement, had perilled the cause, as the Master would not stay proceedings, but confirm the relators' list of trustees as the only one brought in in time.

Notwithstanding this misunderstanding the parties immediately came together again. On the 16th of March 1836 Lord Chancellor Cottenham heard a petition by the Rev. John Park of Carlisle and others, in the interest of the Kirk, and another by the Rev. Henry Thompson of Carlisle and others, in the interest of the Seceders, for leave to appear before the Master as to the nomination of the trustees, and to do so at the cost of the charity. The Chancellor made the order, observing it seems, that something must be done, as the charity must not become an Independent one; but he directed that the petitioners, if they afterwards appeared by different solicitors and counsel, should have one set of costs only.

The Seceders had, somehow or other, found their way to the office of Mr Cox, formerly the clerk of Mr Bischoff, the London agent of the defendants in the Attorney-General v. Shore, and then his partner; indeed soon after the Vice-Chancellor had pronounced his decree, there was a communication made by one of the defendants to the Presbyterian ministers who had received allowances from the fund, suggesting an application by them to the Chancellor. It is manifest that the trustees and some of the Scots had a good understanding on the subject, and the employment of Mr Cox shows why the matter was left to the Seceders.

The relators then substituted a Baptist trustee of each kind,

for Independents. The Baptists wisely left the conflict with the Independents, trusting that the final decree must give them a fair share of any fruit of the victory. This is very much to the credit of both parties. It should be noticed that the question whether Baptists could properly hold a Presbyterian chapel was not settled in the Wolverhampton case, p. 226, as the chapel there was ordered to be sold; but its falling into the hands of the Baptists, through Mr Charles Mander, created no jealousy in the minds of the Independents in the neighbourhood. So far from correct was the notion which Lord Brougham has often put forth, as he did again and again in the Hewley case, that religious bodies hate each other more or less inversely as their differences are small or great. No two denominations could have lived on better terms than the two congregationalist communions differing only as to baptism.

There were now three parties in the Master's office and, according to the practice there, each party brought in a statement of facts and proposal, and supported them, the Seceders by three affidavits, with eight deponents; the Kirkmen by seven affidavits, with eleven deponents; and the relators by fifteen affidavits, by as many deponents. Among the Seceders' affidavits was one by Dr. Thomas Rees, (son of Dr. Abraham Rees), the Secretary of the Presbyterian Fund, and formerly Secretary of the London Ministers of the Three Denominations, who searched for them the minute books of the Fund Board, and gave them the benefit of what he knew as to Dissenters' matters generally. The first affidavits were sworn in the spring and summer, and in the autumn and winter each party answered their opponents and strengthened their own case, the Seceders by eleven affidavits with twenty deponents, the Kirkmen by twelve affidavits with eighteen deponents, the Relators contenting themselves with three affidavits by as many deponents.

The contest between the Presbyterians and the Independents will be stated in the account of the second information, but this is the only opportunity for giving the arguments with which the Scotch denominations assailed each other. The Seceders disputed the right of the Kirkmen to participate in the Hewley charity on the grounds that the Kirkmen had represented themselves as in full communion with the Established Church of Scotland, and were therefore members of an Establishment, and not English Protestant Dissenters; and that they differed from the old English Pres-

byterians in the election and settlement of ministers, i.e., in being subject to the law of patronage: while for themselves they said several of their congregations, particularly those at Carlisle, Penrith, and Penriddock, had received grants from the Lady Hewley trustees ever since her death; that in England, "their attitude was not that of Scotch Seceders, but of English Presbyterian Dissenters;" since "such of the peculiarities of their Presbyterian brethren in Scotland as were inapplicable to England were never obtruded upon the attention of their English Presbyterian congregations, nor was an approval of such peculiarities exacted among them as a term of communion;" and that ministers of their body in London were the only portion of the Presbyterian Board in London agreeing with Lady Hewley's opinions.

The Seceder ministers were much perplexed as to the description they should give themselves: at first they called themselves "ministers of the United Associate Presbyterian Congregation at \_\_\_\_\_," but this was changed for "minister of the Protestant Dissenting meeting at \_\_\_\_\_," "minister of the Presbyterian, or orthodox presbyterian, chapel, church, or congregation at \_\_\_\_\_," or "orthodox presbyterian minister," "presbyterian minister," or "dissenting minister."

The Kirkmen objected to the right of the Seceders to participate in the charity, on the grounds that they originated as a church in 1731; that they had "since their commencement undergone various changes and modifications in doctrinal opinions, and did not fully and explicitly hold the doctrines of the Westminster Confession of Faith;" "that they differed essentially from the standards of doctrine, discipline, and church government, and particularly in being supporters of the voluntary principle in opposition to church government;" that "they were under the ecclesiastical control of the United Associate Synod in Scotland, and their Cumberland congregations were in the Presbytery of Annan and Carlisle; that their chapels were usually called, in inscriptions documents and conversation, Scotch churches, and they could not be regarded in any sense as English Presbyterians, not one of whose old congregations were to be found in such Seceders' communion." This assertion the Seceders called a wretched quibble. The Kirkmen also said that the members of their London congregations had appeared among the Dissenting Deputies, "and if they have ceased to

belong thereunto, it is because they have voluntarily withdrawn therefrom purely from an unwillingness to be associated and identified with the Unitarian Presbyterians heretofore connected with the said board."

The Kirk ministers called themselves ministers of "the Presbyterian chapel or church at . ." Both parties, when they could, called their "Scotch Churches Old Orthodox Presbyterian Chapels."

The affidavits of the Scotchmen were in a style altogether unusual in England. They seldom stated circumstances within the deponents' knowledge, but related matters of history or occurrences long before their times, and drew inferences from them; they also set out quotations from books or documents, or referred to them thus, "vide, or see such a page of such a volume;" but they were chiefly composed of arguments and of criticisms on affidavits of the other side, not always the fairest or most courteous, interspersed with interrogations or exclamations, addressed sometimes to the reader, at others to their opponents; yet they were themselves very far from logical, and sadly unguarded. They were all based upon the circumstance that Lady Hewley's party called themselves Presbyterians, and never got beyond that one fact in anything which had even the semblance of proof, being to the same effect as the evidence taken under the second information. A specimen of the charges in their affidavits will be given hereafter.

Nor did the relators, on the other hand, shine in their affidavits. They were too ready to claim every minister as an Independent, and they dealt unfairly with the word Presbyterian, relying upon its original meaning, not seeing that "episcopalian" is in the same case. The fact is neither word etymologically is expressive of any distinction in church government in the same way as the words prelatical and classical are; the former, being scriptural words, if they manifested their own exact meaning, would of themselves be decisive of the controversies as to church government, but they have become conventional terms, conveying a different sense in different countries, because representing different things existing there. Great divines on both sides sailed very near the wind, and it is always more amusing than edifying to read affidavits carrying on a dispute connected at once with religion and property, for in such a contest reverend deponents are sure at last to give each other the lie, (of course in demure words, and

with pain and regret,) or at best to end a string of highly damaging contradictions or inuendoes either with half withdrawals made, as is carefully declared, solely in consideration of the high character of the persons attacked, or else with expressions of hope that there may be some method which however the deponents have been unable to discover, of interpreting the sentences criticised so as to render them consistent with the truth. Law proceedings are seldom favourably noticed by divines, but lawyers rarely find they are made much better by the example held out to them by clerical litigants, whether they have to act for them or against them.

The proposals and affidavits of the three parties fill 175 octavo pages of small print.

The Master to whom the suit was referred was distinguished among Masters, not only by being an Irish peer, but by being himself a religious man, and more conversant with religious topics than Masters generally were, as he had written on Church Reform. His decisions on exceptions to the answers were confirmed by the Vice-Chancellor and Lord Chancellor; but in the contest as to the appointment of trustees his health was failing, and on the ground that Lady Hewley was a Presbyterian, which no one had ever denied, he left the Independents only three trustees of a kind, and gave the Kirkmen and Seceders each two; thus, as the Presbyterians flattered themselves, giving them four-sevenths of the fund. He made his report 16th December, 1837, and then the matter stood over for the judgment on the Socinians' appeal. When that was given all parties presented petitions with respect to the appointment of new trustees, which were heard together by Sir Lancelot Shadwell on the 14th, 15th and 16th February, and the 9th May, 1843, Mr Bethell, Mr Anderdon, and Mr Romilly, appearing for the relators, Mr Twiss and Mr Wray for the Attorney-General, separately from the relators, Sir Charles Wetherell and Mr Lloyd for one set of Presbyterians, and Mr Swanston and Mr Malins for the other. His Honour confirmed the report, because he saw no reason why Presbyterians, whether Kirkmen or Seceders, should not be trustees, but he would not determine on those petitions who were the proper beneficiaries of the charity, intimating his opinion that a new information was necessary; he gave the parties their costs, except that the Presbyterians under Lord Cottenham's order were treated as one party, and allowed only one set

of costs; but altogether the costs allowed exceeded £4,000. A short account of this hearing will be found in Mr Simons's Reports. The Vice-Chancellor should have directed a pro forma reference to the Master as to the proper objects of the charity, and then, on the affidavits already filed and the evidence in the cause, the whole matter might have been settled, and £15,000 more of the charity fund saved, for there was little further light thrown on the question by the proceedings under the second information, and the Lords evidently thought that all the questions would be disposed of under it.

The Independents wisely determined to be relators in the new information, which thus became necessary, and it was filed on the relation of such of the former relators as had not been appointed trustees, against all the trustees selected by the Master, whether Independents, Kirkmen, or Seceders. The title of the suit was the Attorney-General v. Wilson. The information set out the information, decree, and other proceedings in the original suit, and then proceeded:

\* That L.H. was an E.O.D. from the established C. of E., and that she intended that E.O.D. only should receive the benefits of her charities: that, when she executed the deeds of January, 1704, and April, 1707, there were only three sects of E.O.D., namely, I. or C., P. and B., that the P. differed materially from the P. of the C. of S., as then and now in existence, and that their doctrines and practice were the same as those of the present I.: that many of the O.E.P. who existed at the beginning of the eighteenth century, afterwards disused the name "P." and assumed that of I. or C.; and that the I. of the present day are the representatives, to a great extent, of the old O.E.P., as well as of the old I. or C.; and that the remnants of the old P. became U., but retained the name of P.

That all other persons in England calling themselves P. are members either of the K. or of the Secession C. of S., and differ materially from the opinions and religious practice or discipline of the E.P. in the early part of the eighteenth century, and, in particular, from the opinions and religious practice of L.H.; and that the ministers of S.P. congregations in E. and W., of both the aforesaid churches, are Scotchmen, who have been ordained and educated in S.: that

\* Contractions have been used in the abridgment of these proceedings: L.H. for Lady Hewley; P. I. or C. B. U. and A. for Presbyterian, Independent or Congregationalist, Baptist, Unitarian, and Arian, or their plurals; C. for Church; E. for England or English; E. and W. for England and Wales; S. for Scotland or Scotch; D. for Dissenters; O. for Orthodox; T. for Trinitarians; at, &c., stands for "at the time of the foundation of the said charities;" in &c., stands for "in the beginning of the eighteenth century."

the S.P. chapels in E. and W. were built many years after the death of L.H., and are connected or in communion with P. in S. : that the S.P. have only one chapel in Yorkshire, which was built in 1790 ; and that prior to that year, they had no chapel in Lancashire ; that until very recently, they had no chapel in Westmoreland ; and now they have only one, which was built a few years ago.

That divers of the S.P. congregations in E. and Wales have been represented in synods or assemblies in S. ; and the trust deeds of all, or the greater part of their chapels, require that none but licentiates or ministers of the K., or of the Secession C. of S., or ministers belonging to and in full communion with one or other of those churches, shall be ministers of such chapels ; and all, or nearly, all the present and former ministers of such chapels, have been educated in S., and licensed to preach either by the K., or by the Secession C. of S., and such education and licensing are necessary to qualify them to be the ministers of such chapels ; and many of such ministers have, as members of the Kirk or of the Secession C. of S., received appointments and translations in one or other of such churches : that the before-mentioned trust deeds further require that such chapels shall be used for the purposes of divine worship, and in connection with and according to the rites, forms and usages, either of the Kirk or of the Secession C. of S. ; and that no variation shall be made in the trusts by which such chapels are connected with, and solely appropriated to, the use of congregations belonging to one or other of those churches, or by which the worship in them is appointed to be observed according to the rites, usages, doctrines and tenets, of one or other of them, and by a minister belonging to, and in full communion with, one or other of them : that, in many instances, the Kirk and the Secession C. of S. have exercised control or authority over ministers, presbyteries, congregations, and chapels in E. and W., connected or in communion with them.

That there is not a single college, in E. or W., belonging to or connected with P. belonging to either of the said S. churches ; and that the only colleges in E. and W. under the name of P., are U. ; and by reason thereof, the exhibitions given by L.H. cannot be applied to any existing P. colleges in E. or W. ; but there are ten colleges in E. belonging to the I. or C., for educating young men designed for the ministry of Christ's Holy Gospel, and three of them are in the northern counties of E. ; and there are also three colleges belonging to the B., for the like purpose, one of which is in the county of York ; and that many young men designed for the ministry of Christ's Holy Gospel, and attending those colleges, are in poor circumstances, and are proper objects of L.H.'s charity. That the defendants, Ralph and Thomson, had obtained preferment in S., under the Kirk, and had gone to reside there ; and that the defendant Fair [a sub-trustee]

had become a member of the C. of E. ; and that it was necessary that a scheme should be settled for the due management and administration of the charity, and for the purpose of determining who were the proper objects of the benefits of it.

The information prayed that the Attorney-General might have the benefit of the original suit and information against the defendants to the present suit, and the same relief touching the charity as if those defendants had been parties to the original information, and that it might be referred to the Master to whom the original suit was referred, to settle a proper scheme for the future management and regulation of the charity, and for the selection of proper objects to participate in the various branches thereof, and for the appropriation or division of the charity funds and income to and among such branches or objects, having regard to the relative numbers of such objects, and to the districts to which a preference was given by the endowment ; and, also, a scheme for the due appointment and succession of trustees and sub-trustees or managers of the charity on any future vacancy, having regard, in the selection of them, to the classes of persons who were the proper objects of the charity ; and that the court would make such declarations, for the guidance of the Master in settling the scheme, as should be necessary ; and that the Master might be directed to approve of proper persons to be sub-trustees in the place of Ralph, Thomson, and Fair.

The Kirkmen and Seceders answered separately, but their counsel must have agreed on a form of answer to be adopted by both parties subject to alterations in the particulars on which they differed, and both parties retained it almost unaltered as regarded the position assumed in respect of the Independents ; any changes made left the substance the same as far as they were concerned, while particular expressions were suited to the fancy or feeling of the parties. The Kirkmens' answer is given here, with the omission only of immaterial passages ; it runs to the length of 261 folios. All the important variations from it in the Seceders' answer will be given at the bottom of the page, separated by a line. If a short variation only requires notice it will be given within [     ]. The verbosity of chancery pleading is retrenched, but the exact words are given except in connecting sentences. Manifest errors in one answer have been occasionally corrected by the expressions of the other, but several sentences could not have been reduced to a proper form without changes which might have been open to complaint, and they have therefore been left. All assertions as to the past must be understood as of the time of the foundation of the charities. The



general reader should be informed that every word of the answers was sworn to; and this should be borne in mind throughout them, for although the various asseverations are only according to the information and belief of the parties making them, they are the averments on which the judgment of the court was sought. The Kirkmens' answer, in addition to references to the proceedings in the Attorney-General v. Shore, was to this effect.

That they represent that portion of the old O.T.P. congregations in the six Northern counties in E., amounting to fifty-one in number, as distinguished from the orthodox Presbyterians of the Secession church, which O.T.P. bind themselves to a fixed standard of doctrine and discipline, being the same as was recognised in the days of L.H., namely, the Westminster Confession of Faith with the Assembly's Catechisms and Directory, and who moreover support the principle of an Established Church, admitting none to the ministry but persons educated at a chartered university, and presbyterially ordained; and the presbyteries within which such fifty-one congregations are comprised are wholly English in locality and jurisdiction, and in no degree under the control of any Presbytery, Synod or Assembly in S.

That L.H. and her original trustees were E.O.T.P., warmly attached

Seceders say that the P. body whom they represent are E.O.P., but they are in ecclesiastical communion with what is commonly called the Secession C., and that the said Secession C. is so called from the circumstance that it had its origin in a secession, not from the principles, but from what were supposed to have been the defections, of the Established Church or Kirk of S., and was at first composed of members being P., who seceded from the said Established Church or Kirk on the question of lay patronage, to the abuse of which those who seceded were opposed, as well to certain relaxations in doctrine and discipline which were believed to have been innovations upon the constitutional purity of the said Established C.

That although the said Secession C. had its origin in the circumstances aforesaid, yet in its faith and government it was simply P., and was possessed of no local or provincial character, and the said secession C. has accordingly admitted into ecclesiastical communion with itself, and has given the benefit of its P. government and discipline, and the securities it possessed against any departure from Orthodoxy in faith to E. congregations of P., and the said Secession C. is accordingly\* called the United Associate Secession C., and although on one occasion a deputation from the Synod of the said United

\* It is here asserted that this name was chosen because of the Seceders having chapels in England. The true reason is given in p. 382.

to the doctrines and leading peculiarities of the internal polity and church discipline of the old E.P., whose standards and tests were the Westminster Confession of Faith, Catechisms Larger and Shorter, Directory for public worship, and Presbyterian form of church government, recognising and adopting the principle of an Established Church, but dissenting from, because unable conscientiously to conform to, Episcopalian establishment (sic).

That the closest ministerial communion and friendly intercourse have for a long time subsisted between the O.T.P. in E. and the C. of S., and as evidence thereof they adduce the fact of the Westminster Assembly of Divines, which met in the year 1643, and during several subsequent years, comprising ministers and laymen of the C. of S., along with E.P., and that the Confession of Faith and other productions of the Westminster Assembly of Divines were received as the standards of faith equally by the C. of S. as by the E.O.T.P., and that from the meeting of the Westminster Assembly until the present time, the most intimate fellowship has subsisted between the C. of S. and the old E.O.P. Reference to Calamy's Life II., 179 180, and to Dr. Jones,\* who was licensed in E., being minister at Lady Glenorchy's chapel in Edinburgh, which circumstances prove that licentiates of E.P. were and are eligible to churches in S., however notwithstanding this similarity of religious belief, friendly intercourse, eligibility to each other's pulpits still continue, as it has existed for very many years, between the C. of S. and the O.P. in E., and although from the circumstance

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Associate Secession C. inadvertently presented a memorial to the government in the name of the United Associate Synod of the Secession C. of S., yet such description was not the true and proper description of the said Synod or C., but that the true and proper description thereof formally adopted and still retained, and which is given in the records of the proceedings and official documents of, or relating to, the said Synod, is The United Associate Synod of the Secession Church, and the union which exists between the said Secession C. and divers congregations of E.P. within the six northern counties of E. is wholly optional, and may be dissolved at any moment, but such union was entered into and hath been and is preserved for the purpose of enabling the several congregations holding ecclesiastical communion therewith to enjoy the benefits of the P. discipline and form of government, and of preserving among them the O. faith as professed and maintained by the compilers of the E. as well as the Scottish P. standards, and by their immediate successors in the time of L.H.

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\* Dr. Calamy will be referred to again. The Seceders' affidavits showed that Jones, a Calvinistic Methodist, after being appointed to this chapel went back to London to be ordained there, but that for a long time he was not recognized by the Kirk.

most probable conclusion is that some unauthorized conversation only had taken place, to which little thought and no weight was given by either party, and which was not followed up on either side.

As soon as Lord Lyndhurst had confirmed the Vice-Chancellor's decree, the relators considered the matter safe, though very likely the other parties did not, by reason of their knowing the Socinians' confidence in their appeal. The relators then proposed a list of trustees of both descriptions, and it would have been confirmed by the Master in a few days, when the Kirkmen heard of it, and the Rev. Charles Thompson, of South Shields, sent a circular to several of his brethren in the north, asking for authority from their congregations to act for them in the matter. The circular stated that the unauthorized interference of Presbyterian brethren in the North West of England, i.e., the Seceders, in disregard of their agreement, had perilled the cause, as the Master would not stay proceedings, but confirm the relators' list of trustees as the only one brought in in time.

Notwithstanding this misunderstanding the parties immediately came together again. On the 16th of March 1836 Lord Chancellor Cottenham heard a petition by the Rev. John Park of Carlisle and others, in the interest of the Kirk, and another by the Rev. Henry Thompson of Carlisle and others, in the interest of the Seceders, for leave to appear before the Master as to the nomination of the trustees, and to do so at the cost of the charity. The Chancellor made the order, observing it seems, that something must be done, as the charity must not become an Independent one; but he directed that the petitioners, if they afterwards appeared by different solicitors and counsel, should have one set of costs only.

The Seceders had, somehow or other, found their way to the office of Mr Cox, formerly the clerk of Mr Bischoff, the London agent of the defendants in the *Attorney-General v. Shore*, and then his partner; indeed soon after the Vice-Chancellor had pronounced his decree, there was a communication made by one of the defendants to the Presbyterian ministers who had received allowances from the fund, suggesting an application by them to the Chancellor. It is manifest that the trustees and some of the Scots had a good understanding on the subject, and the employment of Mr Cox shows why the matter was left to the Seceders.

The relators then substituted a Baptist trustee of each kind,

held and maintained by the P. of the S.C., and the O.P.D. represented by the defendants hold essentially the same religious faith and opinions as were in the time of L.H. held and maintained by the P.D. in E.

That the E. and S.P. at &c., were in the habit of considering each other as united together by the firmest links of friendship, and that they agreed entirely upon the main points and questions of church polity, as distinguished from the opinions held by the I. on that subject. Reference to the 2 vol. of Calamy's Life, 46,\* and the dedication of Pierce's Vindication of Dissenters, published in 1710, by James Pierce, of Newbury, "at that time a well known and distinguished orthodox presbyterian minister."

That it is manifest that at &c., the E.O.P.D. did not differ materially or in any way from the S.P., for in the year 1701 Vincent Alsop, of Westminster, resigned his place in the Tuesday's P. lectures at Salters' Hall, from which I. were excluded,† and was succeeded by Dr. Robert Fleming,‡ of the S. church, in Lothbury, and Dr. Fleming presented the address of the D. ministers to the Queen in May, 1707.

That at the respective dates of the foundation deeds of the said charities, and from that period up to the present time, there has been, and now is, a perfect agreement between the O.P.D. in E. and the P. in S. with respect to the party with whom should originate the right and power of ministerial ordination, both approving of what is styled the form or directory for the ordination of ministers agreed upon by the Assembly of Divines at Westminster, with the assistance of commissioners from the C. of S., in which formulary it is expressly declared that the power of ordering the whole work of ordination is in the whole presbytery, the meaning attached to which words by the E.O.P.D. and the P. of the C. of S. is that ordination is an act performed by a presbytery on their own inherent authority, whereas the sect or denomination of D. called I. at &c., held, and they still hold and maintain the opinion that the power or right of ordination to the ministry is an authority delegated by and belonging exclusively to the male and female [Sec. have lay, instead of male and female] members of each particular church or congregation.§ And that the point of church

\* It is submitted that the Doctor's account of his journey to Scotland, and of the doings of the Irish Presbyterians, conclusively shew that he himself, and the denomination to which he belonged, were Presbyterian only in name.

† Accordingly it became Socinian, while the Pinners' Hall lecture, in a separation from which it originated, still continues, because left to the Independents.

‡ Dr. Oldfield, the Moderator at Salters' Hall, would scarcely have preached his funeral sermon for Dr. Fleming, (though he died in 1716,) if he had been reputed to be an imposer of the Westminster Confession upon other men, see *supra*, p. 73.

§ The Sheffield Independents thought that Mr Timothy Jollie's ordination there in 1681 should be "by ruling elders in the name of the people." Ordinations among Independents have for a hundred and fifty years been according to Dr. Doddridge's description referred to in Dr. Hugh Campbell's evidence. There was no attempt made to support this statement of the answers, nor could such have been made honestly.

discipline which is involved in the proposition contained in their Westminster directory, "that every minister of the word is to be ordained by those preaching presbyters to whom it doth belong," and that the competency to confer ordination upon candidates for the holy ministry is not a prerogative derived from the people (as then was and is maintained by the I.) was universally held by the P. of S., and by the E.O.P. in the time of L.H., and is universally held at the present time in opposition to the I. by the two classes of O.P.D. defendants in the suit. That there is no one instance upon record in which any P. minister at the time of the foundation of these charities, renounced or departed from the Westminster form or Directory of Presbyterian ordination while he continued to be a minister of, or to be in any way connected with, the P. body. Reference to Matthew Henry's Diary, 17th June, 1700, in his life by Tong, "This day I went to Macclesfield to join with my brethren, the ministers of Cheshire and Lancashire, in an ordination. I am satisfied of the validity of ordination by the laying on of the hands of the presbytery, and though we want national establishment, yet that cannot be essential."†

That the E.P.D. did not differ materially, or in any respect, from the P. of the C. of S., or from S.P., as then and now in existence.

That there was, and consequently is, (inasmuch as the E.O.P.D. have never varied or departed from the doctrine and practice which they professed and followed at the time of the foundation of the said charities), a very essential and material difference in the doctrine and practice of the O.P.D. in E. from that now taught and followed by the present D. in E. called I., and more especially there is such material difference between the said O.P.D. in E. and the I. in regard to the doctrine of the Holy Trinity.

That the definition of the essential doctrine of the Trinity as stated in the language of the Shorter Catechism of the Westminster Assembly, and which definition the O.P. in E. of the time of L.H. received, and the O.P. in E. of the present day receive, as accurately expressive of the sense in which they understood, and do understand the Scriptures is, "There are three persons in the Godhead, the Father, the Son, and the Holy Ghost, and these are one God, the same in substance, equal in power and glory," whereas the creed of the P.D. of the present day called I. as put forth in the declaration of faith of [Sec. the so-called] Congregational Union of E. and W., in 1833, differs very materially therefrom; i.e. "That they (the I.) believe that God is revealed in the Scriptures as the Father, the Son, and the Holy Spirit; and to each

† This must have been a meeting of the Cheshire Association, in which Independents joined with Presbyterians. Matthew Henry meant what the apostle meant, a number of presbyters, not an organized Scotch presbytery, for there was none such in Cheshire.

are attributed the same divine properties and perfections." The doctrine of the divine existence as above stated, they cordially believe without "attempting fully to explain." And such definition differs materially from that contained in the Westminster Confession of Faith," i.e. "In the unity of the Godhead there be three persons of one substance, power, and eternity, God the Father, God the Son; and God the Holy Ghost, eternally proceeding from the Father and the Son," which was the accredited standard of belief of the P. of the time of L.H., upon the subject of the doctrine of the Holy Trinity, and has ever since been maintained by the various congregations of persons called O.P. in E., and is now held by all, the E.O.P. in E. included, thus represented in this suit by these defendants.

That the practice of the E.O.P.D. in E. at &c., agreed in all essential points of church government and discipline, with that of the P. of the C. of S., [Sec. and of the Secession Church] and that the O.P.D. in E. then agreed as they now agree with the P. aforesaid, [Sec. P. in S.] in their approval of Confessions of Faith, statements of doctrine, catechisms, creeds, and ordination by presbyters, and like to them have their ruling eldership in each congregation, and that the several congregations have their classes or presbyteries, which classes or presbyteries are [Sec. may be] joined and formed into a Synod.

That the present class of E.D. called I. differ very materially both in doctrine and practice from the O.P.D. in E., for [they] do not approve of Confessions of Faith, statements of doctrine, catechisms, creeds, or ordination by presbyters, but [Sec. disallow the utility of creeds and articles of religion and] declare their protestation against subscription to any human formularies, [Sec. their jealousy of subscription to creeds and articles] or to creeds and articles, and their entire disapproval of the imposition of any human standard, whether of faith or discipline, and (sic) that human creeds possess no authority over the faith and practice of Christians, and they reserve to everyone the most perfect liberty of conscience. Reference to Congregational Union's Declaration of Faith. That the I. have not [Sec. any more than the class of D. who call themselves U.] their ruling eldership in any congregation, and their several congregations are not in classes, nor is there one single principle of presbyterianism carried into effect by or amongst them.

That the I. have no accredited standard of belief, and no church court to which they are responsible, and that they have no ruling elders who, with the minister or pastor, have the spiritual oversight and government of each particular church, and that they have no Courts of Appeal and Review, and no presbyterial provincial and synodical assemblies for the exercise of government and discipline.

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That the practice and approval, [Sec. so far as the same could be carried into effect,] of classes, synods, general assemblies, catechisms, creeds, statements of doctrine, approved confessions of faith, and ordination by presbyters, were essential parts of presbyterianism in &c., and at &c., all of which essentials were observed [Sec. so far as circumstances would admit observed or at all events had been professedly avowed]\* by L.H. and the denomination or class of P.D. to which she always belonged at &c., as well as by all classes of D. from the Established Church who are strictly entitled to be called by the name of P.†

That the name P. has never been disused by the O.P. in E. who maintained the essential forms both of doctrine and practice which were at &c., the essential parts of Presbyterianism.

They deny that the name P. had, in &c., or that it has at any time since become little more than a nominal distinction, for at &c., and afterwards, the greatest possible difference [Sec. great difference] existed between the O.P. and the I. in E., and the same still exists, for in &c., up to the present time the P. and I. differed and still differ in their general views of church polity, [Sec. and that the name P. has been kept up as expressive of the distinctions which exist between P. and Episcopalians, and also between P. and I.] The word P. being descriptive of a body governed by the united presbyters or elders of the churches standing distinguished on the one hand from the episcopalians who plead for [Sec. insist upon or recognize a] the distinct order of diocesan bishops, with authority to rule both presbyters and people, and on the other from the I. who maintain the right of every Christian congregation to regulate its own affairs by the voice of the brethren, and the P. and I. differed most essentially as to the meaning which they attach to the word church, and the admissibility of extraneous ecclesiastical control, the P. pleading for what may be called a representative church, consisting of the lay elders or delegates of several congregations in a district convened together for the exercise of ecclesiastical discipline, and the I. maintaining and insisting that "each distinct society of Christians united for religious fellowship and worship is, according to the Scriptures, a church possessed of full power to regulate all its own concerns, and is independent of all foreign control." And they also differed as to the right of the people to intermeddle with ecclesiastical rule, the I. representing that they have more just ideas of the people than either P. or Episcopalians, their system having in it a greater measure of popu-

\* So far as this from being correct that what has just been said of the I. is true of the P. of L.H.'s time, "no one single principle of Presbyterianism was carried into effect by or amongst them." The ground taken in these pages is that without classes or presbyteries and a Synod, or Synods and a general Assembly, there is no Presbyterianism.

† These qualifications will cover the most entire and absolute departure from Presbyterian practice, and may be considered as admitting the relators' statement.

lar or democratic influence, and they being further removed from all episcopalian practices than the P. And also they differed as to the necessity of literary qualifications in candidates for the Christian ministry, for that a regular education for the ministry was considered in &c., as it is also now considered a qualification almost\* indispensable amongst the orthodox P. congregations, [Sec. but the I. then frequently raised, as they now do, persons whom they call gifted brethren to the office of the ministry] the I. not even then or now considering such education and literary qualification necessary, and that they also differ as to the propriety or impropriety of preaching by laymen, for the I. upholding and the P. deprecating such practice. And they differed on the question by whom the fitness of candidates for the ministry ought to be tried, this prerogative having, in &c., been vested amongst the P. as it now is, in a class or assembly composed of all the pastors within a certain district, together with one ruling elder from each congregation, [Sec. answers omit the elders] within such district,† or the presbytery examined candidates for the ministry and gave licenses to preach on probation, while the I., on the contrary, have at all times opposed such a system, "from a wish to guard against the assumption of ecclesiastical authority by persons [Sec. the infringement of their rights from the interference of persons, &c.] in other congregations, whether ministers or lay members." And they also differed as to the constitution of the body from which should emanate the power of ordination, the P. upholding and maintaining the system of assemblies of pastors in particular districts who confirmed the election of ministers by their flocks, and ordained to the sacred office, [Sec. whereas the I. have always held and now hold the power of ordination to reside in each particular congregation, and although there were at &c., and there are now some churches or congregations of the I. who invite neighbouring ministers to be present at the work of ordination, yet they were and are so invited only as spectators and witnesses] whereas there were, in &c., and there are now, some churches or congregations of the I. which performed the work of ordination among themselves and invited neighbouring ministers only to be spectators of the act, and witnesses of their faith and order without taking any authorized or necessary part in the service. Sentences are quoted from Bogue and Bennett's History of Dissenters [relating to the early Independents only]. And they also differed about the mode of conducting the solemnity of ordination itself, inasmuch as all P. in &c., and during the time of L.H., deemed the laying on of the hands of the presbytery an

\* The reader will note this "almost."

† There was no presbytery in England after 1660, but P. and I. ministers met together without elders, in Associations or Classes, their chief business was ordination, and their jurisdiction extended only to excluding a minister from meeting with them: see Hunter, p. 94. The relators' evidence clearly showed this state of things in Northumberland.



essential part of the solemnity of a minister's ordination, which particular practice and ceremony of the imposition of hands was particularly objected to by the I., at the period referred to, as a practice and ceremony which ought to have been laid aside as soon as the power of conferring extraordinary gifts had ceased, although since the death of L.H. the imposition of hands has been resorted to, and introduced by and amongst many modern I. at the ceremony of ordination for the ministry. And they also differed with regard to the terms and requisites necessary to admission to Christian privileges or church membership, for at &c., presbyterianism required a knowledge of the principles of religion and a regular life, beyond which it has never professed to go, and the whole decision was left to the minister and elders; while on the contrary, the principle of the I. rendered the renovation of the heart necessary to a person being a member of the church, by a participation of all the ordinances of the gospel; an I. church being as they maintained in its very nature a society of male and female converts, by which are meant, of renovated and regenerated persons. They differed also in the entire system of their internal discipline, for amongst the P. the private members of their congregations had no power over the admission, suspension or exclusion of individual communicants, but this power was vested [either in the minister alone, or more generally and properly. Sec. omit these words,] in the minister and committee\* of respectable individuals who, having been elected by the communicants, were solemnly set apart by the minister to the office of ruling elders, and to whom the spiritual oversight of the congregation was committed, while amongst the I. an entirely different system of discipline prevailed. Reference to Bogue and Bennett, vol. III., 392.

That about the year 1719, nine years [Sec. 1820 about ten years] after the death of L.H. some persons who had up to that time been

\* This introduction of the word committee is intended to represent that the committee of the English Presbyterians were the elders of the Scotch system, but the committee managed the temporal affairs of the congregation chiefly, and it cannot be shewn that they admitted to the communion, which was the business of the minister only as in the establishment, (the statement at p. 59 should be corrected accordingly). Oliver Heywood wished in the time of the Commonwealth to establish elders on the Scotch plan, but the plan was not approved of, and his church covenant does not mention elders. At Exeter the committee seem to have taken upon themselves to call to account Mr Pierce and Mr Hallett, but Dr. Calamy, p. 102, objects to their taking so much upon them. They were called the managers or managing committee, and this system was adopted by the Calvinistic Methodists in England. Elders were not appointed in many congregations even between 1643 and 1655, and if appointed after 1688, they had few or no functions to perform. Mr Hunter says, p. 416, that admission even by the minister soon fell into disuse, and any person might take the sacrament just as he might in the National Church. There appears to have been absolutely no discipline in the generality of the P. churches, so that there was no need of elders.

members of various O.P. congregations in E. began to repudiate subscription to creeds and articles of faith as unjustifiable restraints upon human liberty, and that in consequence amongst such persons the doctrinal purity for which those P. ministers who had been ejected from their livings in the year 1662, and their immediate successors who lived during the time of I.H., had been, and were so much distinguished, began to decline, and that by degrees some of the said persons who so repudiated creeds and articles of faith,\* apostatized under the vague designation of P.D. and Nonconformists from the creed and practice of their fathers, and from that which they had until then themselves professed, and became practically I.

That the I. of the present day are not the actual representatives to any extent of the old E.O.P., as well as of the old I. congregations, [Sec. nor even of the old E.I.] but that inasmuch as the I. of the present day have no creeds or public standards of faith they are liable to change at any time.

That although many of the I. congregations of the present day are in the possession of many of the old P. chapels with the valuable property belonging to them, and which they have gained possession of in the first instance under the names of P.D. and Nonconformists, but never under the name of P., which last-mentioned name they have never presumed to make use of, being conscious how entirely

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\* [Sec. began to make converts and to form congregations in some few instances in an unjustifiable and improper manner, and under the vague names of P.D. and Nonconformists, took or held possession of chapels which, from the time of their erection, solely and strictly had belonged to, and had been erected for the worship of O.E.P., and that such persons who had so departed from the creed and practice of their fathers, and from that which they had until then themselves professed, became practically I. and exhibited the characteristics of the I., viz., an independence of all articles of faith, creeds, and formularies, and the separate and independent government of each congregation.\*

\* This representation is simply dishonest. The English Presbyterians from the Revolution were as practically Independents, so far as their congregations being independent, as the Socinians are now, and they did not enforce subscription to any confession or other document; but as they did not separate a church from the congregation, and confide to it the selection and dismissal of the minister, they omitted the one vital essential, and indeed specific principle which, wherever it was preserved, saved the Independent churches from Socinianism. It is believed that every congregation of Independents which lapsed gave the seetholders, either alone or with the church, the appointment and dismissal of the minister. The giving this power to the seetholders, or a pariah as they are termed in New England, was the chief cause, (together with the quasi establishment,) of the lapse to Socinianism of the Congregational Churches there. The father of Socinianism in the States was the rector of the First Episcopal Church in Boston.

they differed [Sec. they widely differed] in every respect from the old P. in their religious belief, opinions, and practice with respect to church government, yet the said I. have formed in such chapels congregations purely after the I. form of church discipline and religious belief, from which congregations every O.E.P. would be, and is necessarily, excluded, and from which even L.H. herself, had she been living, and had she held the same religious faith and doctrine as that in which she lived and died, would have been excluded, and her first-named trustees of the said charity, viz, the Revd. Richard Stratton, or her purely P. chaplain, Dr. Colton, would have been severally prevented from preaching in, or from becoming candidates for, the readership of any of them.\*

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That it is proved beyond a doubt by the historical writings of all who have treated of the subject of religious dissent from a time anterior to the date of the foundation of the said charities until the present time, that the I. have, from the period of the Commonwealth† until the present time, formed quite a different and distinct class or sect of D. from the Established C. of E., from the old E.O.P. congregations of that time, and during the intervening period until the present time, when they still form an entirely distinct and separate class of D., and that the I. can in no way be assimilated to, or identified with, the P., but belong to a denomination which has always been distinguished from P., and have in many instances, as is proved by the best authenticated histories of the times, been most violently opposed to each other, (sic) and that the I. can in no way be regarded as the successors or representatives of the E.O.P. with whom L.H. was connected, and of whom she was the warmest and most liberal supporter.‡

That a letter from the Secretaries of the Congregational Union to the Voluntary Church Society, Glasgow, contained the following passage: "Descended from those illustrious and holy men who, during the English Commonwealth, renounced ecclesiastical establishments and the interposition of the magistrate in religious concerns, our churches have inheri-

\* See for the terms on which the Presbyterians and Independents were in the time of Lady Hewley pp. 188, 189, and 59. Can any instance be brought forward of a Presbyterian as such having been refused admission into an Independent church since that time?

† The question is as to the terms the denominations were upon since the Revolution.

‡ When the English P. and I. have been since opposed to each other, the I. have always taken the stricter side. The Socinians said so, and they knew more about the I. than the Scotchmen did. It is most amusing to notice how differently the I. were spoken of by the two extreme parties with whom they were in conflict. Each imputed the extreme opinions of the first generation of Independents to their successors, feeling the moderate principles of those successors the greatest impediment and rebuke to themselves.

ted and acted upon their principles," which is an admission by the secretaries of the Congregational Union, on behalf of the whole body or denomination of I. or Congregational Unionists, that they are descended from the I. of the time of the Commonwealth, who formed a body distinct from, and opposed to, the P. who then formed the National Established C. of E.,\* and of whose ministers 200 were ejected by the Act of Uniformity, and were the immediate predecessors and fathers of the E. P. of the time of L. H., and whose principles are represented in the suit by the defendants of the Kirk and Secession Church. Reference to a letter of Dr. Pye Smith, in the Congregational Magazine, April, 1835, page 247, from which passage, (to which all who are strictly I. or C., would assent), it appears that the I. regard the I. form of church government as binding upon Christians *jure Divino*, and that they cannot conscientiously receive the P. form of church government; also reference to "Congregational Nonconformity Defended," a Sermon preached by Dr. Fletcher, 1820, and an article in the Congregational Magazine, 1835, page 295, ending thus: "While our body boasts of their principles as rigid Congregationalists, let them look with a most jealous eye upon every approach, however apparently trivial, to Presbyterianism."

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That the I. of the present day are not the actual representatives of the old I. or C. of L. H. time, for it is only within the last fifty years that the I. have become numerous, and their churches or societies were entirely isolated until the year 1833, when they became partially united under the title of the Congregational Union of E. and W. The I. of the present day differ essentially from those called I. or C. at the end of the seventeenth and beginning of the eighteenth centuries, both with regard to doctrine and discipline. It is a matter of history beyond doubt that the I. of the latter part of the seventeenth century acknowledged the Westminster Confession and the Savoy Confession as the basis of their short-lived union with the London P. ministers about the year 1691,† whereas these defendants have already shown the great and vital distinction and difference which exist between the modern I. Declaration of Faith as drawn up in the year 1833, and the Westminster Confession of Faith, upon the fundamental doctrine of the Holy Trinity.

\* The defendants' witnesses assert that Presbyterianism was the established religion of England from 1646 till the return of Charles the Second, or the Act of Uniformity. Middlesex, Lancashire, and Essex only were divided into Presbyteries, and in 1655 an attempt at a provincial assembly for Middlesex was abandoned. The ascendancy of Cromwell and the Independents prevented the ordinance from being more than waste paper, so far as respected church courts or any coercive power.

† A similar union was effected in the West Riding, in 1691, as in all other parts of the kingdom, (see Hunter, p. 374), and they all remained in full operation until the prevalence of Arianism among the Presbyterians, when the Independents withdrew from them. See Hunter, p. 374. It was by a deputation from the West Riding Association, not by a Presbytery, that Dr Colton was ordained.

That it is a well known matter of history that the Savoy Confession of Faith was drawn up in the year 1658, by Dr. Owen and other well-known and celebrated I. ministers, and that the same, so drawn up, inculcated the doctrine of the Trinity of Persons in One Godhead in as precise, full, and decided a manner as the Westminster Confession, in the words following: "In the unity of the Godhead there are Three Persons of one substance, power, and eternity, God the Father, God the Son, and God the Holy Ghost; the Father is of none, neither begotten nor proceeding; the son is eternally begotten of the Father; the Holy Ghost eternally proceeding from the father and the Son, which doctrine of the Trinity is the foundation of all our communion with God, and comfortable dependence upon Him."

That it is quite evident that the Savoy Confession of Faith was universally assented to and acknowledged by the I. of the time of L.H., and that the modern I. cannot, and ought not, to be regarded as in any degree successors of the old I. or C. congregations, nor yet the representatives of their principles, inasmuch as the modern I. do not hold the same opinions respecting the Trinity and Divinity of Christ, nor the Atonement, as were held by the old I. or C. congregations.\*

That the modern I. and those of the time of L.H., differ in respect of discipline and church order, as it is a well-known matter of history that the I. of the time of L.H. were what were termed subscriptionists, that is to say, it is a well-known and authenticated matter of history that the old I., at a convention at Salters' Hall in the year 1719, voted in favour of subscription to "the doctrine of the Trinity of Persons in one Essence," and that they refused to be satisfied with a general profession of making the Bible their creed, and that they insisted upon "the imposition of a human standard," explanatory of the sense in which they understood the doctrine of the Scriptures upon the important subject of the Holy Trinity.† References to Dr. Calamy's account of the transactions of 1719, and 3 Bogue and Bennett, page 240, and 7th Preliminary Note to the Declaration of Faith, 1833, whereby the union declared their "jealousy of subscriptions to creeds and articles,

\* The fault found by the defendants' witnesses with the clause from the Declaration of the Congregational Union is, that the technical words trinity, substance, person, essence, &c., are omitted. So also is the eternal sonship of Christ, which was noticed in an after part of the answer. The declaration is also silent as to the double procession.

† The Independents of Lady Hewley's time were not subscribers, and did not impose a human standard, they simply declared their adhesion to an article of faith. If there were Presbyteries and elderships in England in 1719, what did they do as to the controversy? The reference of the matter by the ministers of Exeter to individual ministers in London, and their convening the Independent and Baptist ministers, and not only the Presbyterian ones, show how utterly extinct real Presbyterianism was. Any reference to the Salter's Hall Assembly was ill advised, as few beside Presbyterians refused to testify their orthodoxy.

and their disapproval of the imposition of any human standard, whether of faith or discipline."

For all which reasons, and in addition thereto for the many others which might be adduced, it is impossible for any one to believe that the old I. or C. who differed so entirely from the modern I. in the most essential parts of their religious creed and doctrine, can be considered to be represented by the I. of the present day, or even supposing that there ever existed between the O.P. and the I. of the beginning of the eighteenth century, such an intimate connection and agreement upon certain religious tenets as is alleged by the I. of the present day to have existed between them, (but which intimate connection, as so alleged, the defendants by no means admit), that the I. of the present day are the actual representatives to any extent of either the old E.O.P. congregations, or either of the old I. or C. congregations.\*

That it is a well-known fact that in the lifetime of L.H. there were congregations of P.D. from the Established Church in many places in the Northern Counties of E., i.e., Whitehaven, Tynemouth, Alnwick, Long Framlington, Lowick, Morpeth, Penrith, Great Salkeld, Plumptre, Penruddock, Carlisle, and other places from which congregations have sprung up other P. congregations, some of whose ministers were trained up to amity with the Established C. of S., and some with the secession C. of S.

That the P. congregations represented in this suit by the P. defendants hold precisely the same tenets and opinions upon all matters relating to religious belief and discipline and church government, as were held by the O.P. congregations in the life time of L.H., and by her at &c.

They deny that the said O.P. congregations which so existed at the time of L.H., and are now represented by them, have ever fallen into Arianism, or from thence into Unitarianism, or that they have retained the name of P. for the purpose of preserving to themselves the endowments of P. chapels, for they have always been strict P., not only in name, but in principle and practice.

That it is impossible that they should fall into such heresies so long as they maintain and uphold,† as they now do, those old English

\* The Socinians started the notion that the present Independents were the product of the Methodist revival, and the Scotchmen in their evidence took the same ground. Neither party, however, stated any particular on which what they called the New and Old Independents differed. No two generations, though holding the same principles, hold them with the same feelings or understand them in exactly the same way, whatever may be pretended, and such have been the only variations in the Independent denomination.

† The Kirk has always professed to uphold and maintain these standards, but it is notorious that during the sway of the Moderates several of their number, and those foremost men, were vehemently suspected of Socinianism. The writer of this was told by a leading clergyman of the Free Kirk that in some parishes they found, on the disruption, that justification by faith had to be taught the congregation, as a new and strange doctrine, just as if they had been so many Papists.

doctrinal P. formularies, composed and approved of by the Westminster Assembly of Divines, and which formularies furnish the best securities which human wisdom could devise against heretical opinions of any kind whatsoever.

That about the year 1719, or nine years [Sec. say 1720 or ten years] after the death of L.H., some persons who had up to that period been believed to be, and who had professed to be, strictly P. in their religious belief both in doctrine and discipline, began, as the I. of the present day avowedly do, to repudiate creeds and articles of faith as unjustifiable restraints upon liberty of conscience, and in consequence gradually departed from the distinctive peculiarities of P.

That such of the descendants of the O.P. of the time of L.H. as thus repudiated those creeds and formularies which the wisdom of their ancestors had drawn up and assented to as the best protection which human wisdom could devise against the encroachments of heresy amongst them, gradually became in their religious belief, doctrine, and discipline, practical I. alike discarding all those confessions and articles of faith, and utterly abandoning that system of church discipline by which the O.P. of the time of L.H., were distinguished from the I. of that, as well as of the present day.

That there are numerous instances on record in which persons who had so discarded the distinctive peculiarities of Presbyterianism and had become to all intents and purposes practical I., fell into Arianism, and from thence into 'Socinianism, [Sec. that there are numerous instances of persons who so departed from the creeds and forms of Presbyterianism and had become practically I., falling into Arianism and from thence to Unitarianism,] and as evidence thereof they refer to the history of the St. Saviour Gate Chapel, York, which had been the place of worship which L.H. attended for many years previous to her death. That in a pamphlet written by George Hadfield, one of the relators in this suit, entitled, "The report of His Majesty's Commissioners concerning Dame Sarah Hewley's charity," it is expressly stated by the said George Hadfield to the effect that it was the introduction of Independency into the said St. Saviour Gate chapel which prepared the way for the gradual progress of its former O.P. congregation (so far as those who relinquished the strict Presbyterian forms of worship, church discipline, and religious tenets, might compose the said congregation), to Unitarianism, and the said George Hadfield then proceeds to state in the words following: "It is rather curious, and renders the Presbyterian plea set up to justify the present mode of applying the charity at York quite ludicrous, that Mr Hotham, Mr Cappe, and Mr Wellbeloved, who have severally occupied the pulpit in St. Saviour Gate Chapel during the last hundred and twenty years, were all professed Independents, and were educated by that denomination in their

own views of church discipline,"\* p. 32. However the defendants deny that Mr Hotham ever fell off from, or maintained any other than the most strict and orthodox Presbyterian doctrine or church discipline in the said chapel. [Seceders add: Or that he ever ceased to approve of Presbyterianism as distinguished from Independency.]

\*   \*   \*   \*   \*

That the dispersion of the O. P. congregation at St. Saviour Gate Chapel was caused by the said Newcome Cappe shortly after his appointment to be the preacher at the said St. Saviour Gate Chapel avowing himself an Arian, [Sec. becoming an I. and an A., and afterwards what is now commonly called a Unitarian]. And the aforesaid dispersion of the congregation of the St. Saviour Gate Chapel to the extent herein mentioned was only one of many instances of congregations which, during the lifetime and at the time of the death of L.H., had been purely O.P. congregations gradually lapsing into Arianism and Socinianism, and in many cases called themselves Presbyterians in name only, but without retaining any of the distinguishing characteristics as of the E.O.P. of the time of L.H.

That many of the points of religious belief held by the I. and the class of D. called U., are very similar, [Seceders omit very] and as an instance of such similarity they refer to the statement of the doctrine of the Trinity as given in the declaration of faith of the Congregational Union, which definition they assert may be, and is assented to, by the class of U. commonly called Sabellians, who deny that there are three persons in the Godhead, and assert that there is but one person revealed

\* These words are to be found in Mr Hadfield's book, but it is incorrect to intimate that he had in the context referred to the introduction of Arianism into Presbyterian congregations, for he had merely, by remarks of his own and the quotation from Dr. Pye Smith set out in the answer, denied the right of Unitarians to be termed Presbyterians. At page 21 he had stated that Unitarianism was introduced into York by Mr Cappe, so that it is evident that he did not intend to impute heterodoxy to Mr Hotham; nor had he connected together the notions of heterodoxy and Independency, or in any way afforded the least excuse for pretending that he had made the confession here imputed to him. Nor do the words quoted contain such a confession though, having otherwise no bearing on the subject, they must have been given in hope of their being so misconstrued. This misrepresentation may not be greater than is attempted in many passages of the answers, but they require some knowledge of the subject to correct them, while one would have thought that no person knowing the meaning of the words he was using, would have committed himself by a misconception so palpably false as imputes such an admission to Mr Hadfield. Supposing that it was worth while for the parties to risk such an attempt to impose on the Court, it might have been considered impossible for them to have found a counsel and solicitor sufficiently self-regardless to act upon their instructions in that respect. It is not, however, meant to agree with Mr Hadfield as to the denomination of the three ministers. Mr Hotham seems to have been a Presbyterian, and though Mr Cappe and Mr Wellbeloved might have been originally Independents, (as Dr. Priestley and Mr Belsham also were) yet when at York they were not Independents, though like all others of their party, their notions as to church government were Congregational and not Presbyterian.



under three manifestations or aspects of the Deity, as the Father, the Son, and Holy Ghost.

That the language of the said Declaration of Faith with respect to the essential and eternal Deity of the second person of the Godhead, is very different from the precise and unequivocal language of the said Westminster Confession of Faith held and maintained by L.H. and the E.O.P. of her day.

That the article contained in the said Declaration of Faith upon the important question of the eternal Deity of the second person of the Godhead may be and is assented to by the class of D. commonly called A., who, while they deny the doctrine of the personal, eternal, and essential [Seceders omit personal and essential] sonship, are willing to admit the official sonship of Christ.\*

That like the different shades of U.† the modern I. unionists disallow the utility of creeds and articles of religion, and protesting against subscription to any human formularies, reserve to themselves the most perfect liberty of conscience. [Omitted by Seceders].

\* Mr Berry in his evidence deposes that some Independents do not hold the doctrines of Original Sin, the nature and extent of the Atonement, and justification through the imputed righteousness of Christ, as they are stated in the Westminster Confession, and in an affidavit by Dr. Henry Thompson of Penrith, Richard Hunter of Carlisle, and John Miller of Penruddock, all ministers among the Seceders, is the following paragraph :

"In further illustration of the charge of heresy these petitioners will adduce the Rev. William Jay, of Bath, one of the most respectable ministers of the congregational denomination. In his enumeration of the 'Essentials of Christianity,' in the preface to the Fourth Volume of his Short Discourses, he gives the following unsatisfactory exposition of his creed, an exposition from which the doctrines of the Trinity and the Divinity of Christ are systematically excluded. According to Mr Jay all that it is necessary for men to believe is the following: 'That man is a sinner, guilty, depraved, and helpless in himself; that help is laid on one that is mighty, that Jesus is not only able but willing to save to the uttermost all that come unto God by him; that faith is necessary to our deriving advantage from him, and that good works will result from faith, and prove it to be of the operation of God. This, it is immediately added, is what the author means by the Gospel, and what is the chaff to the wheat? saith the Lord.' From all this it may be reasonably inferred that the doctrines of the Trinity and the essential divinity of the second person of the Godhead are, in Mr Jay's estimate, exceedingly (sic) as chaff."

Mr Jay would have said that the Deity of Christ, and consequently the Trinity, were implied in his words, and besides that he might take for granted a belief in it, as he was not drawing up a creed, but stating the pith of the Gospel scheme for presentation to the generality of persons in this country.

† A parallel is run throughout the answers between the Independents and Unitarians in disregard of the fact that the Independent congregations, with few exceptions, resisted the deluge of heterodoxy, which swept away the old Presbyterians and inundated the establishment; and that after its subsidence they remained to gather to themselves the Calvinistic part of the Methodists and their converts. By them alone it was that the old dissent survived, and in Mr Hunter's words, "the old doctrines were made prominent, and were preached with that energy which a century before had won the hearts of many, and engaged them to withdraw from the church and to form separate communities."

That the I. of the present day hold and maintain doctrines and tenets upon the subject of religious belief and discipline utterly opposed to, and inconsistent with, the religious belief and practice of L.H. and the O.P. of her day. [Omitted by Seceders].

[Sec. That many of the I. congregations of the present day were originally formed and partly composed of persons who had renounced the faith of the E.O.P. congregations.]\*

That it is a truth that such only of the old O.E.P. congregations as in the manner aforesaid gradually became practically I. both in principle and practice in their doctrinal belief and church discipline, fell into Arianism, and thence into Unitarianism, and in many cases retained the name of P. for the purpose of preserving to themselves the endowments of P. chapels.

That the congregations represented by these defendants constitute part of the remnant of the E.O.P. congregations existing in the time of L.H., and are now, in fact, with the exception of the other portion of the remnant represented by the Seceder defendants, the only E.O.P. congregations now existing who have, up to the present time, held and maintained in their original purity the religious faith and church discipline held and maintained by the foundress of the said charities.

They deny that the remnant of the E.O.P. congregations fell into Arianism, and thence into Unitarianism, or that they in any instances retained the name of P. for the purpose of procuring to themselves the endowments of P. chapels, and they defy the relators to prove the reverse. [Seceders omit this defiance.]

[Sec. That if the congregation commonly designated U. be a considerable class in E. who either have called or still call themselves E.P., they neither were nor are entitled to assume such a denomination.]

They deny that the U. congregations are the only considerable class or body of D. in point of number in E. who now call themselves E.P., for no persons or congregations holding and maintaining the religious doctrines discipline and church government which is held and maintained by the U. of the present day can be in any way entitled to lay claim to the appellation of P.

That such appellation is not given or yielded to the U. by any person or persons whatever, save by such of themselves amongst the U. who for the purpose of retaining different Presbyterian charitable endowments, may please to call themselves P.

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They deny that both classes of persons in E. calling themselves P. differ materially or in any respect from the opinions or religious practice

\* This sentence conveys the notion that many of the present Independent congregations had heterodox founders, which was not the case.

or discipline of the persons in S. called P. in the early part of the eighteenth century. [Seceders add: Except that these defendants believe that there were some points of practice and church government which from the circumstances of the times L.H. and other P. in E. in her day were unable, after the restoration, to carry into complete effect.]

That inasmuch as the principles and practice of the two denominations of D. called P. and I. differ so entirely the one from the other in all questions of doctrine, discipline, and church government, it is a gross and unjust perversion of the meaning of words and of their general signification to make use of the term I.P., and that such congregations as are in the said supplemental information improperly denominated I.P. congregations have not and cannot have any existence.\* [Sec. That it is a perversion of terms to denominate any congregation or class of D. as I.P. and the use of such terms is of recent introduction, and was unknown previous to the present stage of this suit.]

That the P. congregations in the six northern counties are one hundred and twenty-two, and that there are others in E.

That they represent the P. congregations in E., and situate in the northern counties thereof, for which L.H. designed her charities, and therefore the persons nominated on behalf of the P. congregations represented by them as trustees of the said charities, are entitled to be entrusted with the Seceder defendants with the management of the trust funds of the said charity.

That the congregations represented by them are entitled to be called E.O.P. congregations, because they inherit the principles of the E.P. in the seventeenth century, when L.H. acquired her P. views upon doctrine, discipline, and church government, and which were maintained at the time of the foundation of the said charity, and at the period of the death of L.H.

They deny that the P. congregations represented by them can be legally regarded as S. congregations so long as they are E. congregations by locality.

That a considerable proportion of these have existed for 100 years and upwards, and from the very times of L.H., and that by far the greater proportion of such congregations are composed of persons born and bred in E., and that there are comparatively very few Scotchmen

\* That was not true in Lady Hewley's day, and the framers of the bill were not without reason in framing this compound name; Presbyterian of itself signifying relation to a Presbytery, the word Independent was necessary to negative that meaning in Presbyterians unconnected with any body which could, with any propriety, be called a Presbytery. At the same time there can be no surprise at objection being taken to the new compound name formed of words nullifying each other, by those who do not see that to call such persons Presbyterians produces a notion so delusive that they themselves cling to it though disproved by every fact and reason bearing upon the matter.

in some of them, and that wherever they may have been born, their actual residence in E. renders them E.D. from the established C. of E. maintaining to the fullest extent the principles of L.H. in all points of doctrine, discipline, and church government.\*

That the I. congregations in the six northern counties of E. at L.H. death did not exceed twenty-two, and were insignificant in number and influence compared with the P. congregations of that time.

That although the number of I. congregations in E. and W. has increased since the time of L.H. to a greater extent than the number of P. congregations, yet inasmuch as the I. in no way represent the religious opinions of L.H. or the denomination of D., of which L.H. was a member, either upon points of doctrine, discipline, or church government, the relators, as representatives of the I. or their nominees

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Seceders: That the congregations represented by them are entitled to be called E.O.P. congregations, and ought not to be called S.P. congregations, and although they are in a state of ecclesiastical communion with the Secession Church aforesaid, such communion is based upon a common attachment to the distinguishing principles which were characteristic of the compilers of the E.P. formularies of the Westminster Assembly, and that a considerable proportion of the said hundred and twenty-two congregations have existed for a hundred years and upwards,† and from the very time of Lady Hewley, and that by far the greater proportion of such congregations are composed of persons born and bred in E., and that in many of them natives of S. are not to be met with in greater numbers than in many of the congregations of I. in the six northern counties, and that the members of the said P. congregations are from their locality E.D. from the Established C. of E., and maintain the principles of L.H. in all points of doctrine, discipline, and church government.

That with respect to the antiquity of the P. congregations represented by them, and their distinctive character, they refer to, and adopt, as part of their answer the affidavits before the Master.

\* The children of Scotchmen in these congregations remain almost as entirely Scotch as if living beyond the Tweed. The congregations are Scotch to all intents. Our northern brethren should not deny the ancestral feeling which is always perpetuated in their congregations. The English have their cognate feeling but, the seat of government and the concentration of the national institutions being in England, English nationality seems imperial, while Scotch nationality is provincial.

† It was asserted before the Master that very few, if any, of these congregations had joined a Scotch denomination before the beginning of the present century, and details were given in the suit to shew that all, or almost all, the old chapels were at or since that time in possession of Independents; and particulars were also given of the violent manner in which Scotch Presbyterians had taken possession of them at Carlisle, Nuttall, Penruddock, Whitehaven, and Morpeth.

[Sec. add, or any person belonging to the I.] ought not to be entrusted with the management of, and ought not to derive any benefit from the said charities.

That they have hereinbefore stated the similarity of religious belief, and terms of friendly intercourse, and eligibility to each others' churches, which has from a period anterior to the date of the foundation of the said charities, existed, and still does exist, between the E.O.P. congregations, represented by these defendants, and the established Kirk of S.; and although they have been unable, in consequence of the Act of Uniformity, passed in the year 1662, to obtain P. ministers educated at either of the English Universities, and have been obliged to derive their candidates for the ministry chiefly from among those who have passed through a regular course of training at one or other of the Scottish Universities, yet the P. congregations, represented by these defendants, are wholly E., both in locality and membership, and they have always claimed and exercised, and still do claim and exercise, the inherent right by P. to grant licenses to preach the gospel, and from the days of L.H. down to the present time by far the greater number of the ministers of such congregations have been ordained in E. by P. ministers, and they deny that the pastors or ministers of the P. congregations, represented in this suit by these defendants, are almost without exception Scotchmen who have been ordained in S., and that nearly all the ministers or pastors of the said O.P. congregations, represented by the Seceder defendants, have been ordained in E., and not Scotchmen who have been ordained in Scotland.

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Sec. That owing to the similarity of religious belief, and the terms of friendly intercourse which subsisted between the P. of S. and E., the ministers of the P. Churches in S., and the ministers of P. churches in E., were from a period anterior to the foundation of the said charities, regarded by each other with special interest; however, in consequence of the inability of the Seceder congregations, by reason of the Act of Uniformity, passed in the year 1662, to obtain P. ministers educated in E. Universities, the said congregations, with a view to secure to themselves a properly educated ministry, and to give effect to the opinion in that behalf\* held by O.P. have been obliged to obtain for pastors and ministers persons educated at the S. Universities, where the same

\* It is asserted in the Scotchmen's answers, and still more pointedly in their evidence, that their system requires that their ministers should be educated in a chartered or national university. Attendance at a Scotch University is rendered an easier matter by their having one term, commencing after harvest, and ending at the commencement of farm labour, so that the students may support themselves during half the year. But whatever may be the Scotch feeling on the subject, the English Presbyterians resorted to the private academies, see p. 81; and this point tells against those

That it does not appear from the said foundation deeds of 1704 and 1707, that L.H. wished to point out any particular county in E. or W. in which the education of young men designed for the ministry of Christ's Holy Gospel should be carried out and completed, or that the exhibitions should be confined to any college or university situate in any particular county in E. or W., but on the contrary that it appears that the primary intention of L.H. was to provide for the maintaining and educating candidates for the ministry of Christ's holy gospel at one of the S.P. Universities, and it is a well-authenticated

doctrinal and disciplinary principles held by these defendants are professed and taught, but that although such persons, who for the most part have been and are Scotchmen, have been trained where the only university education for the P. ministry could, since the passing of the said Act of Uniformity, be had, yet the ministers represented by these defendants have been all ordained in E., with the exception of the Rev. Dr. Hugh Crichton, of Liverpool, who was translated from a congregation in S., and was ordained in S. before his translation to an E. congregation.

That the ministers of the O.P. congregations represented by them in this suit, have always claimed and exercised, and do still claim and exercise, an inherent right to grant licenses to preach the gospel, and to discharge all the Presbyterian functions sanctioned by the E. divines of the Westminster Assembly, and by their immediate succession in the latter years of L.H.

That a great proportion of the Elders and Deacons who constitute a numerous body in the E.O.P. congregations, represented in this suit by defendants, are natives of E., and that the great majority of their congregations were born in the E. counties aforesaid, for which L.H. assigned her charitable benefactions. That with respect to the congregations represented by the Kirkmen, defendants, the greater part of their pastors and ministers are Scotchmen, and have, for the reasons previously specified, been educated in S., that is to say, in one or other of the Scottish Universities, and by far the greater number of such ministers have been ordained in E., though some of them may have been ordained in S., and the defendants deny that the pastors or ministers of the said 122 P. congregations are almost without exception ministers who have been ordained in S.

who made it. Attendance at a university without taking a degree always raises unfavourable inferences, and on reference to the Scotch Clerical Almanack for 1865 it will be found that (reckoning all degrees, not only A.M. and D.D., but A.B., LL.D., Ph.D., and M.D.) in the Church of Scotland, 456 had degrees, to 784 who had not; in the Free Church the numbers were 168 to 673; in the United Presbyterian Church 103 to 424, and in the Reformed Presbyterian Synod 7 to 41. Among the Independents in Scotland the numbers were 10 to 50.

fact that from and after the death of L. H. the rents and profits of the said charities were entirely appropriated in just shares or proportions according to her intention as expressed in the said trust deeds and rules and manuscripts left by her with Dr. Colton, to or for the benefit of, dissenting preachers, and in allowing six exhibitions or more for or towards the educating of young men designed for the ministry of Christ's holy gospel, and sent to the University of Glasgow.\*

That there do now exist in E. and Wales colleges which are now improperly and incorrectly called P. colleges, but which were originally colleges in which the creed and the tenets of the old O.P. were upheld, but that the masters, tutors, and students of such colleges have gradually fallen away from, and cast off and repudiated, the creed and the restraints of old P. orthodoxy, and they have become either U. or I. colleges, which in no way recognize or endeavour to maintain the discipline and church government which is the peculiar feature of the old P. orthodoxy, but reserve to everyone under the most perfect liberty of conscience, [Seceders say and teach and disseminate the principles of the most perfect liberty of conscience, and no such college having degenerated into the religious opinions and belief either of the U. or I., would have received support or assistance from L.H.] in which particular such U. or I. colleges entirely differ in the most essential parts from that which was the religious faith of L.H., and there does not exist in the northern counties of E. a single college connected with the E.O.P. either Kirkmen or Seceders, and the only colleges there called P. are in fact U.

That different individuals have, at various times during late years, founded or instituted colleges in the northern counties, and in the county of York and elsewhere, and have become masters and tutors thereof, which individuals profess to be and are quite irresponsible to any person or persons concerning any system of religious belief in which they may think fit to instruct any young men who may be educated in such colleges or institutions, some of which colleges and institutions are presided over and conducted by I. or C., and others professing to be B. in their religious faith.

That many of the young men who are educated in the last-mentioned colleges or institutions are in poor circumstances, and are designed for the ministry of what the said I. and B. esteem to be the holy gospel of Christ, and that all the young men who are educated in such I. colleges and institutions are instructed to believe and do believe that human

\* No proof was attempted of this "well-authenticated fact," and that being so it would have been much better omitted in the answers.

† This is an unwarranted assertion that the present Independent and Baptist colleges have been private speculations. Such was the case with the academies a hundred years ago from the necessity of the case.

creeds possess no authority over the faith and practice of Christians, and they reserve to themselves and to everyone the most perfect liberty of conscience to believe or disbelieve the most important doctrines of Christ's holy gospel whereby such young men differ entirely [Seceders materially] from the faith held by L.H., and for the same reason would not have been esteemed by her as pious young men, and that under the circumstances and for reasons aforesaid, such young men are not fit and proper objects of L.H.'s charity. [Seceders say such young men who in truth belong to the denomination of I. or of B., differ materially in opinion and faith from L.H., and with the extravagant and dangerous notions professed and entertained by them of human liberty, and what are termed the rights of conscience could not have been esteemed by L.H. as pious young men].

[Seceders add, they verily believe it will appear from a due investigation of the mode in which the said charities at and shortly after the time of their foundation, were administered and applied, and from ascertaining the class or denomination of D. to which the persons who were originally appointed trustees thereof and their immediate successors belonged, that according to the intention of the said L.H. as expressed in the said foundation deeds, and as expounded by contemporaneous usage and practice, the management and administration of the said charities was, and were intended, and ought to be confided to E.O.P.D., and that the benefit thereof was, and was intended, and ought to be confined to persons of the same class or denomination of D., and defendants insist that effect ought accordingly to be given to such intention.]

That the O.E.P. congregations represented in this suit by these defendants [Seceders add and the other P. defendants in consequence of their religious principles] are the sect of D. from the Established C. of E., who were intended by the said L.H. to be beneficially interested in and entitled to share in the management of and control over the said charities, and that it was not the intention of L.H. that the I. or C.D. from the C. of E. of the present day [Seceders add who as a body are, and were opposed to Presbyterianism and] and who do not even [Seceders add justly] represent the I. who were in existence at the time of the foundation of the said charity [and who refuse and decline to acknowledge and subscribe to those formularies of religious faith and doctrine, (which were recognised and upheld by the E.O.P.D. of the time of L.H.) [Seceders omit the words within these hooks] should be entrusted with any share in the management and control over the funds of the said charities, or have any beneficial interest therein.

That Dr. Hugh Ralph had, since his nomination by the Master, obtained preferment in S., and the Rev. Charles Thompson had removed to S.



After reference to the 199th page of the Manchester Socinian Controversy, in which it is stated that Mr Hadfield had seen Mr Moody's papers, they submit that the papers referred to by the said George Hadfield, and acknowledged to have been within his reach and accessible by him in the year 1825, ought to be brought into court by him for the inspection of all parties concerned in the matters of this suit.\*

The matters urged in the answers had been for the most part set out in the affidavits used in the Master's office, and answered and combated there, and the advisers of the Presbyterian defendants had by that means been made aware of the true state of the case on each point which has been remarked upon in the preceding pages; there was therefore no excuse for misstatement, except the reason (which however invalid, and worse than invalid, seems sufficient for the consciences of most parties in turn,) that it was made in the course of litigation to secure a great benefit for a party in religion. The attacks made on the principles of the Independents were sure to be of no avail with the court if it were only that the proceedings under the first information afforded a trial and guarantee of their orthodoxy. The parties in the preceding litigation, although it threatened the existence of the defendants' denomination, had treated each other as worthy opponents, and knew better than to introduce unnecessary bitterness into the pleadings, and the relators regretted to find in the real Presbyterians opponents far less courteous, and indeed less fair. The Presbyterians denied the right of the English Dissenters to share in the charity, notwithstanding the general words used by Lady Hewley, but if the relators had carried their trustees they would have partaken of her benefaction in proportion to the number of cases arising among them in the northern counties, if their pride had allowed them to own ministers as poor as those of the Independents and Baptists. The final decree under the first information would have provided for this by using words as general as those of the deeds, and the point as to the intention being to benefit members of English denominations would not have been raised.

The relators examined eighty-two witnesses, whose depositions fill 257 brief sheets. The greatest part of this mass of evidence was

\* Trifling variations have not been given: for instance, where the Kirkmen mention the "C. of S.;" the Seceders say "S.P.;" "Kirkmen" and "Seceders" are substituted for longer descriptions of the two sets of Presbyterian defendants, or their respective parties.

designed to prove that the congregations connected by the Presbyterian defendants were connected with Scotch denominations; that the buildings in which they worshipped were for the most part inscribed "Scotch Church," (the circulars sent out by Mr Thomson arousing the Kirkmen to claim the nomination of the trustees were so directed); that these congregations consisted chiefly of Scotchmen, and descendants of Scotchmen; that the elders were generally Scotch; that not only were their ministers from that country, but that they frequently returned to benefices and appointments in it; and that the Kirkmen were in the habit of insisting that they were members of the Scotch Establishment. The history of several of the old Presbyterian chapels, as far as was necessary to shew how late, and in many cases by what means, they had become connected with one of the Scotch denominations, was gone into; as was also the nature and history of English Presbyterianism; and it was proved that the ordination of Independents at the date of the information was the same as it was in the time of Dr. Doddridge a hundred years previously, and was according to the form of the Presbyterians as described by Dr. Daniel Williams, except that the candidates were not examined as to their literary acquirements or their ministerial qualifications; and in particular that according to the Presbyterian form, just as in the Independent one, the orthodoxy of a candidate was tried by his delivering a confession of faith in his own words, but that he was not required to subscribe, or in any manner recognize, any merely human formulary. Dr. Raffles, Dr. Redford, Mr Scales, Mr Slate of Preston, and Mr Cookin of Halifax, were the ministers examined.

The Presbyterian defendants examined five witnesses only, but their evidence fills ninety-one brief sheets, and they were the Rev. Richard Hunter of Carlisle, and the Rev. Henry Thompson of Penrith, Seceders, and the Rev. Hugh Campbell, professor of Ecclesiastical History in the London Presbyterian College, (his answer to the interrogatory as to his acquaintance with the religious history of Lady Hewley's time takes up five pages with the titles of the books he had read in reference to it), the Rev. Henry Lea Berry (then a Presbyterian, but previously an Independent, and since an Episcopalian), and Mr John Hall solicitor of Manchester, Kirkmen. Dr. Thomas Rees's affidavit, used before the Master, was also read in this suit by order. He

showed that Mr Stratton and Sir Nathaniel Gould were Presbyterians.

Their evidence asserted that a great proportion of the attendants and church officers in their chapels in England were English by the place of their birth, and that there were many Scotchmen ministers of Independent congregations in England. The Kirkmen explained the name or inscription "Scotch Church" as indicating identity of faith and practice with Scotch Presbyterianism, and intended to show they had no connection with the heterodox Presbyterians of England; and they were careful to say that the words were equally used by Seceders with respect to their chapels, (Mr Hall called the contrary notion a great fallacy), yet in the affidavits used before the Master the Kirkmen had sworn that the name was used by them to distinguish their churches from those of the Seceders. The Kirkmen showed that the powers of the Kirk are matters of statute confined to Scottish ground. The Seceders stated that the supervision of their church over their congregations "is not only optional or voluntary, but purely and exclusively spiritual, and it neither has exercised nor would be permitted to exercise any power, authority, or control, over the administration or management of the secular affairs of such English Presbyterian congregations." A foreigner's fancy is taxed to divine in what respect the United Presbyterian church manages to control the secular affairs of its congregations at home.

In utter disregard of the rule laid down by the House of Lords their witnesses were examined on matters of history, and they gave their own notions of them very freely, and made many and copious quotations, setting out fully those already inserted in the answers, but laying the greatest stress on printed statements of Independents, which of course bound no one but themselves. The answers, to guard against objection to the quotation from the Congregational Magazine before set out, add to it: "To which passage no objection has, as these defendants are advised and believe, ever been taken by the editor or publisher, or Independent readers of the said Congregational Magazine, but on the contrary, has met with their entire approval."

As the main question discussed in this volume, and indeed the chief point taken in the answers, whether the Independents were the nearest representatives of the Presbyterians, was not decided in the cause, the depositions of the defendants' witnesses bearing on it are given here. The eighteenth interrogatory was

that which related to the carrying out in England of Presbyterian discipline and church government after the Revolution.

Mr Hunter's answer to it is : Such as were subjected to persecution for their adherence to the Westminster form of worship and discipline endeavoured to carry out their distinctive peculiarities as far as circumstances would permit, and that they really did so is to be inferred from statements in Mr Joshua Wilson's Historical Inquiry. [As to their objecting to be reordained by Bishops, and themselves ordaining others.] The fact of the adherence of the English Presbyterians to all the other distinguishing characteristics of the Presbyterian discipline, not only before but after 1688, having remained unabated appears from a published work of Mr George Hadfield, one of the relators, called "The Manchester Socinian Controversy," in which the Rev. Richard Slate, an Independent minister at Preston, is introduced as affirming, "I find that the early English Presbyterians observed the forms as well as the name of Presbyterianism. Oliver Heywood, a Presbyterian minister, when describing the government of Presbyterian Churches in Lancashire in his days says, 'they had their eldership in every congregation, several congregations had their classes, and these maintained intercourse by a provincial assembly, which for the county of Lancaster was usually held at Preston.' On these principles," Mr Slate adds, "the early English Presbyterian Churches were formed and according to them they were governed. I have been informed from a very respectable source, that one of the last public acts of the assembly, of which the pious Matthew Henry was a member, was the suspension of a minister from the exercise of his ministry in a chapel in this county, for Arianism."

This quotation from a newspaper letter of Mr Slate's, re-published by Mr Hadfield, shows the shifts to which the Presbyterians were put for the proof of their position. Mr Heywood spoke of the state of things before the restoration, "where the Presbyterian system was established" as Mr Slate qualifies the same assertion at p. 363 of his life of Mr Heywood, published in 1827, after Mr. Hadfield's volume. As to Mr Slate's other statement, as he so carefully ascribes it to another person, there can be no inconsistency in relying on his testimony in the cause, and yet saying that his informant is contradicted as to the Cheshire Association by all the information which we have. The Arian could only have been suspended from his membership of that body. Mr Heywood and the ministers whom he acted with found themselves without power to do more than advise, in reprehension of Matthew Smith's views as to the imputation of Christ's righteousness, see Hunter, p. 403, and on any other diffi-

culties which arose in the Presbyterian congregations, *ibid*, p. 401. The evidence of the Presbyterians, notwithstanding the intense zeal manifested by all their expressions, and although they had in print the affidavits used before the Master, amounts to nothing but the most general statements of their individual opinions. The quotation from Mr Slate shews what it was wished the court should believe to have been the state of things, and as there was no attempt to bring forward a single fact to support the impression hoped to be produced by these supposed admissions of an Independent, we may well take it that all the positive assertions sworn to in the answers were abandoned when it became necessary to prove them.

[Then follows a quotation from Dr. J. Pye Smith, describing the Presbyterian polity, and stating that Unitarians did not follow it in any respect.] It appears from a passage in the 153rd page of the 2nd volume of Dr. Calamy's *Life and Times*, that in 1706 the English Presbyterians so far adhered to the ecclesiastical polity of Presbyterianism as to take a warm interest in the stability and welfare of the Scottish Presbyterian Establishment, as an Establishment which exhibited their own favourite system of church government in alliance with the state. Writing in 1706 respecting the then pending union between England and Scotland, Dr. Calamy states that the English Dissenters (meaning the Presbyterians)\* were very much for this union as the most effectual for securing the continuance of their ecclesiastical establishment in North Britain against such as were, by principle, bent upon opposing it, or might be tempted to betray it. To show that in the year 1710 the English Presbyterians adhered to and upheld the Presbyterian worship and discipline as a denominational system to which, in common with their Presbyterian brethren in Scotland they were conscientiously attached, may be adduced the testimony of a distinguished Presbyterian of Lady Hewley's time, the Rev. James Pierce, of Newbury. In the year 1710 Mr Pierce published a Latin work which was afterwards translated into English, and entitled, "*A Vindication of the Protestant Dissenters*," and in his dedication of the work "To the most reverend, pious, and learned ministers of that part of Christ's Church which is in Scotland," he asks, "What remains but that we who are knit to you in the same faith, worship, form of government and discipline, designs, (sic) and brotherly love, should experience your mutual affection and assistance."† At the period referred to, the fact that there was no congeniality of sentiment

\* That is the explanation, or correction rather, made in the answers, without any warrant, and most readers will think without any probability.

† Mr Pierce's book also related, not to the Presbyterians only, but to the Dissenters generally; "we" therefore refers to them.

between the English Presbyterians and the levelling and democratic polity of Independency, is evident from the language of other three leading and influential Presbyterians of Lady Hewley's day. The Rev. Dr. Daniel Williams, who, as appears from Dr. Calamy's Life and Times, states he was in his judgment for the divine right of Presbytery, and the Revds. James and Charles Owen, who in their work entitled "The History of Ordination," published in 1716, declare that "the government of the church by presbyters is the remedy which the unerring wisdom of the Holy Ghost has prescribed against schism." To all this I deem it important to add that Dr. Calamy, when giving in the year 1717 to a divine in Germany a true account of the Protestant Dissenters in England, thus writes: "There are some things in which they (the Dissenters) differ among themselves, for some of them are most desirous\* of the Presbyterian form of church government as it is legally established in North Britain, others (the Independents) are rather for the Congregational form of government by each worshipping assembly within itself, having no other reference to churches or synods than for advice in case of need."

Mr Hunter was evidently the *cheval de bataille*; his evidence takes up thirty three pages, more than a third of the whole evidence on the part of the defendants.

Mr Thomson's answer to this interrogatory is, "I say I believe that the English Presbyterians of 1688 and the beginning of the eighteenth century were the successors of the ejected Presbyterian ministers in 1662. When Lady Hewley was of mature age, the Westminster Confession of Faith, the form of Presbyterian church government, were the standards of the said ejected ministers, and there is no trace that the orthodox Presbyterians of 1688, and the commencement of the eighteenth century, had renounced these standards of orthodoxy."

Dr. Hugh Campbell's answer to the same interrogatory is: "From the year 1688, and at the early part of the eighteenth century and thenceforward, the standards of faith, worship, and discipline drawn up by the Westminster Assembly of Divines, were continued to be standards of faith, worship, and discipline professed and observed by the English orthodox Presbyterians. These standards, however, having been drawn up for an Established Church, could not be fully observed in matters of discipline and government by the English Presbyterians after they ceased to be the Established Church, but so far as they could these Presbyterians professed and observed those standards till about the middle of the eighteenth century when, in some particulars, deviations from the forms previously observed crept in, but not one of those devia-

\* This is an unhappy phrase in proof of an organized system.

tions was inconsistent with Presbyterianism or subversive of any principle essential to rigid Presbyterianism. This statement I make upon the authority of the works already referred to, and from my knowledge of the history of the period."

Mr Berry's answer to this interrogatory is: "The particular standards of religious faith, worship, and discipline adhered to and upheld by the English Orthodox Presbyterian Dissenters from the Church of England from the year 1688, and at the early part of the eighteenth century, were the Westminster standards, drawn up for the three kingdoms of England, Ireland, and Scotland by the Assembly of English Divines, with the assistance of five ministers and three laymen from Scotland, which said Assembly was constituted by ordinance of parliament in 1643, and met for several years until the whole of the said standards were completed. In this Assembly there were as is well known by those conversant with ecclesiastical history, five independents who all throughout the compilation of such standards, objected to the same, and were therefore in that Assembly called the dissenting brethren. The English Orthodox Presbyterians always adhered to, and upheld, wherever circumstances allowed, and do now adhere to, and uphold the Westminster standard in theory and faith, [qy. fact] they always adhered to them from the time of their compilation, and it was only by reason of the exigencies of the times, the usurpation of Cromwell, the interference of the army, chiefly composed of Independents, that the standards could not be practically and fully carried out,\* and again at the Restoration, and thence to the Revolution, the standards could not be upheld and adhered to, on account of the persecutions to which Independents and others who refused to conform to the doctrines and discipline of the Established Church of England were exposed; but so far as it was practicable the standards as to discipline and practice had always been adhered to. The several congregations of orthodox Presbyterians have always, both as to spiritual and temporal matters, been under the immediate government of a Session, even when they were unable to form or maintain a presbytery of the bounds, such Session always consisting of the minister and two or more male persons, called elders, and which Session they now and ever have maintained."†

Mr Hall was not examined on this interrogatory.

The Presbyterian defendants showed that the English form of ordination was the same as that authorized by the directory for

\* This is the fullest admission of the non-establishment of Presbyterianism during the Commonwealth.

† This is true as to all real (i.e., Scotch) Presbyterians, but proof should have been adduced of the English Presbyterians of Lady Hewley's time having elders and being governed by them.

districts in which there were no Presbyteries of the bounds, except in one most important particular, that the ordainers were to be appointed by public authority, i.e., of the state, as the Presbyteries and provinces were created by the civil power. The difference between ordination by ministers appointed for the county and that by a number of ministers brought together by the candidate, or by a deputation from an association in which Independent ministers met Presbyterians on the most perfect equality, is so great, that the ordinations of English Presbyterians after the Act of Uniformity were on a level with those of Independents. Not that it is intended to acknowledge inferiority in Independent ordinations; they are on an Episcopal, and not on a Presbyterian footing. Each minister is a New Testament bishop, and his ordination is to be judged of as the consecration of a bishop for a district without an archbishop, in which case any three bishops think themselves able to raise to the episcopal office of their own inherent power, and of course no Act of Parliament or a Sovereign's warrant can give any additional spiritual force to their act. The English Presbyterian ordinations during the Commonwealth in Middlesex, Lancashire, and Essex may, if regular, stand on Presbyterian grounds, but in any other county, even Northumberland, there were only Classes formed by a union with Independents. Oliver Heywood's ordination was irregular; he had a perpetual curacy in Yorkshire, and yet he was ordained by the Bolton classis. All the ordinations subsequent to the Revolution mentioned in the answers or evidence were not by ministers having any authority as a Presbytery, but by self-authorized non-permanent bodies, in almost all of which Independents joined, or were invited to join. In some cases the ordination was not to any particular church, and therefore improper on Presbyterian grounds, being in vagum ministerium. This was particularly the case with that of Timothy Hodgson, the chaplain of the Hewleys, all whose antecedents seem those of an Independent.

The witnesses evidently felt that they had no case as far as the existence of Presbyteries went, though they confounded the ministers' meetings called classes or associations with Presbyteries, particularly as to Northumberland, Cumberland, and Westmoreland, and they fell back on the ground that a church was Presbyterian if governed by minister and elders; but no fact or authority was brought forward to prove that any



English congregations were so governed, for the existence and functions of the elders were equally non-existent with those of the Presbytery. The state of things in Ireland had much more of Presbyterian order, but we have seen at p. 370 that Dr. Reid and Dr. Stewart called it real Independency. These matters seem not to have been discussed much before the Vice-Chancellor, but the point made or accepted by the counsel of the various parties as that on which the case turned, was whether the Presbyterian defendants belonged to English or Scotch denominations.\*

Mr Hall went further than the answers by denying that Congregationalists and Independents had ever been the same. He made the difference between them consist in the former having ruling elders. This was evidently stated to make the early Congregationalists real Presbyterians, as Dr. Hugh Campbell deposed :

"When a congregation, as was the case with that at York, is fully organized, it is capable, according to the principles and practices of Presbyterianism, of doing everything necessary for its own order, discipline, and jurisdiction, such power being constitutionally lodged in the minister and elders in session assembled, subject, of course, to the review of the Supreme Court where such exists. In the circumstances of the case the congregation at St. Saviour Gate would appear to be

\* The Rev. Robert Hiddleston of Brampton, and the Rev. Walter Nichol of Longtown, both in Cumberland, Kirkmen, in their affidavit, to meet this view of the case, represented the Independents as of Dutch origin. The whole paragraph is given to shew the style of the Scotch affidavits: "That as the Independents are the most numerous sect of Dissenters in England, as their congregations are generally very poor, and as the Independents are violent Sectarians and enemies to the Presbyterians in particular, there is great danger that if the relators obtain the trustees proposed by them, the poor Presbyterian ministers in the North of England will not receive a large share of Lady Hewley's charity. If Thomas Wilson [the relator, whose affidavit they were answering] be a descendant of Dutch Independents of old, deponents wonder if he will allow his to be a Dutch attempt to obtain possession of an English charity." They seem not to have known that the Independent churches in Holland were formed of Englishmen, driven there by persecution, but not intending to remain there. The Scotchmen throughout showed a very limited acquaintance with English affairs. Their one argument was, Lady Hewley called herself a Presbyterian, therefore she must have held principles really Presbyterian. They could see that the Socinians called themselves Presbyterians although not such, but not that they had inherited the name from the first founders who, in their practice, were no more Presbyterians than their successors were. The men of the time of the Revolution having called themselves Presbyterians when they were really such in their notions, continued the name when they had given up all notion of carrying out the system in any respect. That they sat very loose by Presbyterian principles, even by the time of the Restoration, is evident by their willingness to remain in the Establishment so that they were not required to submit to ordination, as they would have complied with the prayer book if they had not been compelled to

in some of them, and that wherever they may have been born, their actual residence in E. renders them E.D. from the established C. of E., maintaining to the fullest extent the principles of L.H. in all points of doctrine, discipline, and church government.\*

That the I. congregations in the six northern counties of E. at L.H. death did not exceed twenty-two, and were insignificant in number and influence compared with the P. congregations of that time.

That although the number of I. congregations in E. and W. has increased since the time of L.H. to a greater extent than the number of P. congregations, yet inasmuch as the I. in no way represent the religious opinions of L.H. or the denomination of D., of which L.H. was a member, either upon points of doctrine, discipline, or church government, the relators, as representatives of the I. or their nominees

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Seceders: That the congregations represented by them are entitled to be called E.O.P. congregations, and ought not to be called S.P. congregations, and although they are in a state of ecclesiastical communion with the Secession Church aforesaid, such communion is based upon a common attachment to the distinguishing principles which were characteristic of the compilers of the E.P. formularies of the Westminster Assembly, and that a considerable proportion of the said hundred and twenty-two congregations have existed for a hundred years and upwards,† and from the very time of Lady Hewley, and that by far the greater proportion of such congregations are composed of persons born and bred in E., and that in many of them natives of S. are not to be met with in greater numbers than in many of the congregations of I. in the six northern counties, and that the members of the said P. congregations are from their locality E.D. from the Established C. of E., and maintain the principles of L.H. in all points of doctrine, discipline, and church government.

That with respect to the antiquity of the P. congregations represented by them, and their distinctive character, they refer to, and adopt, as part of their answer the affidavits before the Master.

\* The children of Scotchmen in these congregations remain almost as entirely Scotch as if living beyond the Tweed. The congregations are Scotch to all intents. Our northern brethren should not deny the ancestral feeling which is always perpetuated in their congregations. The English have their cognate feeling but, the seat of government and the concentration of the national institutions being in England, English nationality seems imperial, while Scotch nationality is provincial.

† It was asserted before the Master that very few, if any, of these congregations had joined a Scotch denomination before the beginning of the present century, and details were given in the suit to shew that all, or almost all, the old chapels were at or since that time in possession of Independents; and particulars were also given of the violent manner in which Scotch Presbyterians had taken possession of them at Carlisle, Nuttal, Penruddock, Whitehaven, and Morpeth.

[Sec. add, or any person belonging to the I.] ought not to be entrusted with the management of, and ought not to derive any benefit from the said charities.

That they have hereinbefore stated the similarity of religious belief, and terms of friendly intercourse, and eligibility to each others' churches, which has from a period anterior to the date of the foundation of the said charities, existed, and still does exist, between the E.O.P. congregations, represented by these defendants, and the established Kirk of S.; and although they have been unable, in consequence of the Act of Uniformity, passed in the year 1662, to obtain P. ministers educated at either of the English Universities, and have been obliged to derive their candidates for the ministry chiefly from among those who have passed through a regular course of training at one or other of the Scottish Universities, yet the P. congregations, represented by these defendants, are wholly E., both in locality and membership, and they have always claimed and exercised, and still do claim and exercise, the inherent right by P. to grant licenses to preach the gospel, and from the days of L.H. down to the present time by far the greater number of the ministers of such congregations have been ordained in E. by P. ministers, and they deny that the pastors or ministers of the P. congregations, represented in this suit by these defendants, are almost without exception Scotchmen who have been ordained in S., and that nearly all the ministers or pastors of the said O.P. congregations, represented by the Seceder defendants, have been ordained in E., and not Scotchmen who have been ordained in Scotland.

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Sec. That owing to the similarity of religious belief, and the terms of friendly intercourse which subsisted between the P. of S. and E., the ministers of the P. Churches in S., and the ministers of P. churches in E., were from a period anterior to the foundation of the said charities, regarded by each other with special interest; however, in consequence of the inability of the Seceder congregations, by reason of the Act of Uniformity, passed in the year 1662, to obtain P. ministers educated in E. Universities, the said congregations, with a view to secure to themselves a properly educated ministry, and to give effect to the opinion in that behalf\* held by O.P. have been obliged to obtain for pastors and ministers persons educated at the S. Universities, where the same

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\* It is asserted in the Scotchmens' answers, and still more pointedly in their evidence, that their system requires that their 'ministers should be educated in a chartered or national university. Attendance at a Scotch University is rendered an easier matter by their having one term, commencing after harvest, and ending at the commencement of farm labour, so that the students may support themselves during half the year. But whatever may be the Scotch feeling on the subject, the English Presbyterians resorted to the private academies, see p. 81; and this point tells against those

the deed of 1707, by which the residuary rents are disposed of, are identically the same as those which are used in the deed of 1704. Moreover it is to be observed that Lady Hewley appointed Dr. Colton to be one of the managers of the hospital founded by the deed of 1707; and that all the other managers were persons resident in or near York. She died in September 1710, and it appears from the sermon which was preached by Dr. Colton at her funeral, that she was in the habit of attending the chapel of which he was the officiating minister. Therefore her opinions on religious matters must have borne a very close resemblance, at least, to his.

Then Lady Hewley having used those general terms to which I have adverted, we have to enquire what those terms mean. Now it has struck me all along, that in a very great degree, although not in terms, that question has been already decided: because it has been decided that no unorthodox dissenter, nor any member of the Church of England, is to have anything to do with the administration of the trusts created by the deeds of 1704 and 1707, or to take any benefit under them; then if you remove the unorthodox dissenter, and reject the Church of England man, the necessary consequence is that you must adopt the orthodox dissenters. Mr Baron Gurney gave a very plain and clear opinion upon that subject, and that opinion was referred to with approbation by the Lord Chancellor when he moved the judgment of the House of Lords.

The question raised by the supplemental information is, whether those who are members of the Kirk, or of the Secession Church of Scotland, come within the description of poor and godly preachers of Christ's Holy Gospel, those words having to the extent which I have mentioned, already received an exposition. Now it is perfectly manifest from history, (I allude to Neale's History of the Puritans, and Baxter's history of his own Life and Times), that though the Scotch Presbyterians did predominate to a certain extent, yet they never predominated so far as to have their scheme of church government carried into effect by any law in England. Neale says, "Although as the influence of the Scots over the two houses increased Presbytery prevailed, and when the parliament were at their mercy, and forced to submit to what conditions they would impose upon them for assistance, the Kirk discipline gained the ascendant, and at length advanced into a divine right in the assembly of divines, yet the parliament never would come into it; and when the Scots were gone home, it dwindled by degrees until it was almost totally eclipsed by the rising of the Independents." Then there is another passage in which the same author says, "the Presbyterians never saw their dear presbytery settled in any one part of England, Baxter says it was settled in London and Lancashire, it never was settled by law." Then we find that after the Act of Uniformity of Charles the Second had passed, there came the Act of Toleration, and that was in the year

1689; and then after that we have what was called "The Happy Union," in 1691, which lasted for about four years, and then the Union appears to have been dissolved, but the state of things remained much the same as it was before the year 1691. And I think that it clearly appears, from the evidence that has been given, that in 1704 and 1707 the words "godly preachers of Christ's Holy Gospel," or "godly preachers" alone, would have been considered by every person who saw or heard them to mean those persons who answered the description of orthodox English dissenters at that time. The evidence that has been brought against that signification of the words is very slight indeed. It amounts to this, that except congregations here and there which might more or less be composed of Scotchmen, and might have a Scotch minister, the body of Presbyterians was English, and had English ministers.

Besides, Lady Hewley's English predilections are manifested by this, that she directs the trustees and managers should in their dispositions and distributions of her charities have a primary respect to such objects thereof as then were, or should afterwards be, in York or Yorkshire, or other northern counties in England, not excluding those in other counties and places; and there can be no doubt that the latter words as well as the former, point to England, because though in England we do use the word "county," it appears that the Act which was passed in Scotland for the purpose of carrying into effect the English Act of Union, when it prescribes the mode in which members should be chosen, uses invariably the word "shires" or "stewartries," and never mentions the word "county," and I never heard that word applied to any divisions of Scotland, though it is applied to divisions of Ireland. Therefore Lady Hewley intended to provide for persons who, with respect to religion, should bear the character of orthodox English Dissenters, and with respect to residence should be found in England.

That such was her intention appears also from one of the rules which she prescribed for the management of the hospital. She says, "Let every almsbody be one that can repeat by heart the Lord's Prayer, the Creed, and Ten Commandments, and Mr Edward Bowles's Catechism." Now Bowles was one of the ejected ministers who were turned out in the year 1662, and it is remarkable that this lady does not direct that the poor men and women in the hospital shall be able to repeat either of the catechisms, which were the particular characteristics of the Scotch Church, but that they shall be able to repeat Mr Bowles's Catechism, which as I understand was published by him, some time after he was ejected. And he was not a Scotch minister, but was one of the ejected ministers who suffered because he thought proper not to submit to the Act of Uniformity.

Then if the words "poor and godly preachers of Christ's Holy Gospel," mean orthodox English Dissenters, there is no difficulty in

determining what other persons Lady Hewley intended to be the objects of her bounty, and therefore I shall declare that the words "godly preachers for the time being of Christ's Holy Gospel" contained in the deeds of 1704 and 1707, describe in general those who, at the time of Lady Hewley's death were, and those who thereafter should be orthodox English dissenting ministers of dissenting churches or congregations essentially and substantially in doctrine and discipline of the same sort as the orthodox dissenting churches or congregations which existed in England, in the years 1704 and 1707, and therefore that orthodox English dissenting ministers of Baptist churches, of Congregational or Independent Churches, and of Presbyterian Churches in England, which are not in connection with or under the jurisdiction of the Kirk of Scotland or the Secession Church, are alone entitled to take the benefits provided by those deeds for godly preachers of Christ's Holy Gospel. Secondly, that the words in the same deeds "godly widows," described the widows of those orthodox English dissenting ministers. Thirdly, that the words "the preaching of Christ's Holy Gospel," describe the preaching of such orthodox English dissenting ministers. Fourthly, that the words "the ministry of Christ's Holy Gospel," describe the ministry exercised by such orthodox English dissenting ministers. Fifthly, that the words "godly persons" describe the individual members of such Baptist, Congregational or Independent, or Presbyterian churches, and lastly, that the poor people to be placed in the hospital must be poor members of such churches. Refer it to the Master, to whom the cause of the Attorney-General v. Shore stands referred to carry out the scheme directed by the original decree of the 23rd December, 1833, made in that cause, having regard to the aforesaid declarations, and to appoint new trustees and sub-trustees or managers in the places of the defendants Lonsdale, Barbour, Finlay, Ross, Ralph, Thomson, Fair, and Pringle, who are hereby removed from being such trustees and sub-trustees respectively.

The Presbyterians appealed to the Chancellor, who was then Lord Cottenham; and the case was heard by him on the 15th, 16th, 19th, and 25th January, 1849. There had been attempts at a compromise previously to, and during, the hearing before the Vice-Chancellor, but the Presbyterians required that four-sevenths of the fund should be placed at their disposal, being willing to leave the rest to the Independents, shutting out the Baptists. The principle of any division of the fund was always resisted by the relators, but they were willing to have allotted the trustees, three to the Independents, two to the Baptists, and two to the Presbyterians, and had put a proposal to that effect in writing, but there was no proper opening for offering it before the

Vice-Chancellor gave judgment. The Presbyterians when before the Lord Chancellor claimed only a participation in the fund, instead of the whole of it, on which they had insisted before the Vice-Chancellor; on their stating this Lord Cottenham showed his determination on the one hand not to let the Independents retain the preponderance in the trusteeship, and on the other to escape dealing with the principles which the Vice-Chancellor had laid down, as they would have rendered it difficult for him to have secured his purpose. When a Chancellor has expressed his wishes for the settlement of a case, it is impossible to stand out against him; each side is in his power, and fears to provoke an adverse decision, and so as one of the leaders for the Presbyterians was out of court, the relators' counsel asked for the further hearing to stand over with a view to an arrangement. A great struggle was then made to carry the plan already intimated, but an answer to any further claims for the Baptists was always to be found in the fact that they were nearly unknown in the North in Lady Hewley's time, and had never received much benefit from the charity, so the relators felt themselves compelled to agree that the Independents should have three, each set of Presbyterians two, and the Baptists one. It was however distinctly expressed by the relators' solicitors in making the proposal, that there was to be no division of a fund as had been formerly proposed by the Presbyterians, "but that the objects are to be dealt with as they may be presented to the trustees without regard to the denomination to which they may belong; and this stipulation being essential to a proper distribution, is here stated that adherence to it may be secured: it has hitherto been scrupulously observed.

The final decree is in effect, "that under the words poor and godly preachers of Christ's holy gospel, poor and orthodox ministers of dissenting congregations in England and Wales, within the protection of the Act of Toleration of any of the three denominations, (i.e.) Independent or Congregational, Presbyterian and Baptist, (such order of enumeration not importing any priority) are eligible to the benefit of the charity; and that the trustees and managers shall, in their disposition and distribution of the charities, have a primary and chief respect to such objects thereof as aforesaid, as are or shall be in York, Yorkshire, and other northern counties in England. [It has been resolved by the trustees that Durham, Northumberland, Cumberland,

Westmoreland, Yorkshire and Lancashire be regarded as entitled to a preference under the trust deeds, and that Derbyshire and Cheshire be included, according to the practice of the former trustees.] That there shall be seven grand trustees or managers and seven sub-trustees of the charities, whereof in each class three shall be of the body of Dissenters called Independents, three shall be of the body of Dissenters called Presbyterians, and one shall be of the body of Dissenters called Baptists. And every grand trustee or manager or sub-trustee, who in time to come shall be elected in the room or on the vacancy of an Independent grand trustee or manager or sub-trustee respectively, shall be elected by the surviving or continuing Independent grand trustees or grand trustee, or managers or manager, [and so as to Presbyterians;] and that every grand trustee or manager or sub-trustee, who in time to come shall be elected in the room or on the vacancy of a Baptist grand trustee or manager or sub-trustee respectively, shall be elected from the body or denomination of Dissenters called Baptists by the surviving or continuing grand trustees or grand trustee, managers or manager."

Defendants Ralph, Thompson, and Fair were removed as disqualified.

The charity has been fairly administered by the trustees, every case has been judged of on its own merits without regard to the denomination of the applicant, and if the trustees of that denomination are not acquainted with the circumstances, they make it a point of honour to ascertain them. The grants in 1864-5, reported in the Congregational Year Book, were to :

102 poor and godly preachers of Christ's Holy Gospel	...	£1,120
25 poor persons, chiefly ministers disabled by infirmity	...	355
16 poor places for promoting preaching in them	...	165
37 godly persons in distress, chiefly widows and daughters of deceased ministers	... ..	435
6 students for the ministry of Christ's Holy Gospel	...	240
		<hr/> £2,345

The grants to widows seem the most beneficial application of the charity, as the sums awarded will be felt as substantial additions to their incomes, if expended on themselves; but as to ministers, many will think £10 more suited to the value of that sum in a past age, and would rather see fewer ministers bene-



fitted, so that the recipients should receive at least £20. Any small gifts tend to the erection of chapels in villages without proportional good effects, and to the support of men who, not having the requisite ability, ought never to have been in the ministry. The multiplication of small chapels does not tend to the strength or credit of Dissenters; and experience has shown that endowments have very rarely if ever benefitted them. Independently of this consideration, it seems difficult to prove a man's right to withdraw any property from the dominion of those who come after him by giving it to charity, and so perpetuating his own control over it. *Te teneam et mortuus* should not be said by a christian man to his property. Endowment is a very potent part of establishment, and religious opinions should be left to be supported year by year by those who believe them; for error of one sort or another will, generally, be better endowed than truth, and the latter will be most advanced if endowment is prohibited.

## APPENDIX.

I. AS TO THE OPINIONS OF MR SAMUEL BURY AND  
MR BENJAMIN BENNET.

In accordance with the intention expressed at p. 197, the works of these authors have been obtained, and extracts from them are submitted to the reader. Mr Bury was made of importance for the present purpose only by being three times referred to in the Proofs, certainly not by the pertinence of any quotation there given from his writings; but the passages cited from Mr Bennet's writings on the contrary called for notice, as standing alone they might be fairly construed as sanctioning a considerable divergence from orthodoxy.

Mr Bury appears, notwithstanding what is said in the Proofs, see *supra* 166, only to have asked the questions, and taken the confession of faith, at Mr Savage's ordination. In the title page of the volume in which the entire service was published, the Exhortation to the minister and the people quoted from in the Proofs is stated to have been delivered (as well as the preliminary sermon) by the Rev. John Rastrick, of King's Lynn; and the author of the Exhortation speaks of his own ordination by Bishop Fuller of Lincoln, in which diocese Mr Rastrick's former vicarage of Kirkton was situated, while Mr Bury was not episcopally ordained, as is mentioned at p. 165 *supra*. Mr Savage's Confession of Faith is thoroughly Trinitarian and Calvinistic, and so is the Exhortation. It stated that "the Catechism contains two different methods of divinity, the first ending at the benefits which believers receive at the resurrection, and the second carried through the remaining part of the Catechism; the first being founded on God's decrees, the second on the covenant of grace." "Both are here; free-will or natural power, and free grace ought to be asserted. *Si non est Dei gratia quo modo salvat mundum? Si non est liberum arbitrium quo modo judicat mundum?* I will hold the general grace of the Arminians, and not deny the special grace of the Calvinists."

"Doubtless though redemption by Christ be of general virtue and universal sufficiency for its part, yet there was a particular or special intentional respect had to God's elect, and special grace is given them to incline them with it."

"Study true catholicism and not parties. There are really no parties among christians, but they are all one body ; why then should they renounce each others' communion, and that for trifles, for extra-fundamental opinions, when we all believe alike in Jesus Christ, and renounce the world, the flesh, and the devil ? I am not ashamed to mention it that I could gladly receive a worthy Church of England man, a holy Arminian, a pious Anabaptist, of both opinions, General and Particular, if they would come, though I be not of their opinions myself."

"Let unity and peace have your great regard. If we must pray for the peace of Jerusalem, we ought surely to endeavour it. Let there be no divisions that you can help, not in the church, no more than from it. Read healing authors. The many excellent irenicons that learned men have wrote are of the best of our books."\*

It should be acknowledged that the quotation in the Proofs is taken from one sermon, and that given at p. 167 *supra* from another, but both by Mr Bury, and both with reference to Mr Fairfax's death ; the former was the funeral sermon at Ipswich, the scene of Mr Fairfax's nonconformist labours, and the latter at the funeral at Barking, Suffolk, from which he was ejected. They were published together in a volume containing also a funeral sermon for Mr Wright, (Mr Fairfax's successor at Ipswich, who died in a year or two after his settlement there), with the motto from Horace, "*Mista senum ac juvenum densantur funera.*" The sentence, the commencement of which only is given at p. 167, from the Nonconformist's Memorial, stands in full in the sermon, thus :

"He was an orthodox minister ; one sound in the faith, and uncorrupted in his principles. He heartily subscribed and constantly adhered to all the doctrinal articles of the Church of England. He utterly abhorred any new and upstart notions in religion, and loved the truth as it was in Jesus. And this in a time when so many fantastic errors were most audaciously propagated by others and the holy canon itself most desperately struck at by malapert and saucy ignorance."

The sermon quoted in the Proofs has the following expression : "You will never forget his preaching, how solid, and spiritual, and close, and pungent, and evangelical." "He had various exercises in so long a life : but the most tragical scene of all was on that fatal Bartholomew in 1662, which on to-morrow will be eight and thirty years ago ; wheron he was removed not only from his maintenance, but also from his public service, (much more desirable to him than that), together with many hundreds, I had almost said some thousands more, as learned, and orthodox, and pious, and peaceable divines as England has ordinarily had ; and this only for the honour they had to the kingly power of

\* This extract is a digest of five pages in the author's own words. The correspondence between the two parts of the Catechism is most ably shown.

Christ in his church and the preservation of their own consciences inviolate."

In the funeral sermon for Mr Wright he recurs to the same thought. "And that an orthodox minister, when so many enthusiastical seducers are propagating their errors, factions and heresies with so much vengeance and zeal amongst us" . . . . "And that a moderate minister, when so many others in their heat and fury are setting the world on fire about us."

In his sermon on the opening of his "new erected chappel in St. Edmunds Bury," 1711, (which has a motto from the *Amphitryon* of Plautus hinting at quarrels), he instances among "such as have greater capacities, and vigour, and fortitude, and boldness : that have not only honesty, but courage enough to withstand the corruptions of the times and outface the sins and scorns of their enemies ; to plead for despised truths and to stand alone against the power and credit of a prevailing faction \* \* Athanasius against the power of Constantius and the general deluge of Arianism in the world."

Mr Bennet's *Irenicum* has for its motto, "*In necessariis veritas, in non-necessariis libertas, in utrisque charitas*;" and the preface contains the following sentences : "Two things I would admonish the reader not to impute to me, as any part of my aim in these papers, viz., the espousing any of the controverted schemes of the doctrine of the Trinity. My only purpose in what I have said is to moderate if it may be in that troublesome dispute ; [which was begun in the Established Church, p. 1] ; and to offer reasons for leaving the doctrine in general terms, as God has been pleased to leave it, without descending to particular determinations, further than we have warrant from Scripture ; which is so far from prejudicing the doctrine, that I reckon 'tis the only proper method of guarding it against abuse, and putting an end to our debates about it. Nor wou'd I be thought in what I've advanced in behalf of private judgment to patronize the fancies, and plead the cause of our libertines, who affect to call themselves freethinkers. These men's religion, so far as I know anything of it, mainly lies in tragical outcries against priestcraft. They are so shy of creeds that they can believe nothing God Himself has revealed ; and so afraid of ecclesiastical slavery and bondage, that they'll not submit to the yoke of Christ. That every one judge for himself is unquestionably his right and duty, as I have endeavoured to prove ; but if they judge against themselves, and against religion ; if, instead of judging in disputed modes of gospel ordinances and administrations they judge away the things themselves ; instead of enquiring what is the law and appointment of Christ in this or that particular they neglect all his appointments ; conscience will convince them sooner or later this is not following its dictates, but abusing both themselves and it. 'Tis a sad way I must confess of thinking freely, to think the

gospel of Christ, its doctrines, and institutions into contempt. When we plead for a liberty for Christians to judge for themselves in religion it is that they may impartially examine it; and the more they do so the greater will be their veneration for it, and that they may act in it with a sense and reverence of the divine authority, without which their religion is of little value. But if any of these poor creatures permit this great and necessary principle, as if because none may judge for them, therefore 'tis no matter how they judge, or whether they judge at all, this will be their own fault, 'tis an offence taken and not given."

The objections to the Arian scheme are thus stated, (see p. 172, *supra*.) "Particularly the Arian scheme can't be fundamental, the substance of which is: That the supreme eternal God created and made the Son before all ages, made him as great and glorious a being as was possible to omnipotency itself, and communicated to him as much perfection as a created nature cou'd admit of; that this Son of God is a creature of an ubiquitary presence and of multitudinous power; that God having first made the Son, did thro' him create the Holy Ghost; and by the Son and Holy Ghost, or thro' the Son, and by the Holy Ghost, created this world and all things in it; that these three govern the world not by a joint co-ordinate providence, but that their dominions are subordinate and adequate to their powers; the one being supreme, the other two deputies. Now I say this scheme wants evidence sufficient to entitle it to a place among fundamentals, and make it necessary to be believed in the christian church by all its members. The Scripture characters of the Son, viz., the true God, the mighty God, the great God, King of Kings and Lord of Lords, Lord of glory, the Alpha and Omega, the beginning and end, the Almighty Jehovah, and the like, furnish such arguments against this hypothesis as require more skill in criticism to answer than most christians are masters of. 'Tis the grand principle of Arius, that the Son of God is not eternal, but that there was a time when he was not. And yet we find the Scripture describes the duration and eternity of the Son by the same terms and phrases as that of the Father: Isaiah xliii, 10, xliv, 6; Rev. , 1 8, xvii, 22 23; Ps. xcvi, 2; Prov. viii, 22. \* \* [17 lines omitted].

"Dr. Clark has refin'd upon the Arian scheme, but as his scheme is attended with many of the same difficulties with the Arian, it has this further incumbrance that it supposes a sort of intermediate being, that is neither God nor a creature, but something between both; which is philosophising to a degree of subtilty above what common christians are capable of reaching. And how great a difficulty is it, in his scheme, to make a being, not the supreme God, to be possess'd of infinite perfections; as omnipotency, omniscience, omnipresence, &c. \* \*

[13 lines omitted.]

"Nor can it be denied, &c., as at p. 172.

But he explains himself thus : "I'm ready to own that something of this doctrine is of very great moment, and may be called fundamental, to believe in the Father, Son, and Holy Spirit, and submit ourselves to these glorious Persons, as respectively concerned in the work of our redemption, with a suitable conduct and life, is our practical Christianity. 'Tis necessary that we know God and Jesus Christ whom to know is life eternal ; and we are expressly told that if any man have not the Spirit of Christ, he is none of His. We are baptized in the name of the sacred Three, and a great part of our religion lies in a devout intercourse with them. But there are a great many questions relating to their nature, unity, distinction, &c., which all wise men find above them, and we need not methinks beg leave to infer that therefore they are not of the essence of the Christian faith. For what then would become of those that occupy the place of the unlearned ?

"'Tis not my design to correct schemes, much less to advance a new one. I only desire such abatements in our several constituted schemes, as the darkness and uncertainty in which all of them, more or less, are involved, and the confessed weakness and imperfection of human minds call for : such abatements as may leave this a peaceable doctrine, and leave room for our brethren's Christianity and our charity towards them, notwithstanding their dissent from us in some of our notions, as wanting our light or our confidence ; which every one acquainted with the state of this controversy (about the Trinity) in the primitive church, as well as since, must allow to be a reasonable demand. What confusion has it not occasioned ? What desolation has it not wrought ? Let the reader peruse the list of ancient heretics, and he'll find a great part of them were censured and condemned upon this article, I mean as erroneous in questions relating to the nature and person of the Son and Holy Ghost. That this proceeds from any peculiar depravity in the minds of men, leading them to an opposition to this doctrine more than to any other, is what I can't suspect, but rather think it may be imputed to another cause, viz., the rashness and presumption of those that would be wise above what is written ; venturing into the dark and out of their depths, defining and determining what they did not understand, and then imposing their own fancies as doctrines of faith, and with what success, with what fruit this has been done, the experience of many ages may testify. I'm sorry we have learn'd no more by it, and will not take warning by the miscarriages of our predecessors.

If such as have had their heads full of this controversy, have been heated in the field of disputation, been contending for their hypothesis with so disproportion'd a zeal as if this were the Jachin and Boaz, the very pillars of religion, would give themselves leave to cool a little, we need not despair of proposing what might make all easy with themselves and their brethren, with reference to this point. The following

particulars allow'd and practised wou'd, with the blessing of God, go far to do the work.

1. That the holy Scripture, the acknowledged rule and measure of every christian doctrine, be strictly and closely adhered to, especially in this doctrine ; which depends so entirely on revelation, that no man cou'd have known any thing of it, had it not been reveal'd, nor doth know any more of it than is reveal'd.

2. That we cast out of our schemes all such terms and definitions as the Scripture doth not furnish us with, and are not found in the doctrine as it stands in scripture. If men of learning and leisure are inclined to debate their own questions, they have their liberty, provided they manage peaceably. But they must not make decisions where the Scripture has not gone before them, and insert them in the article as an essential part of the faith ; but the distinction between the doctrine itself as deliver'd in Scripture and human explication, is to be preserved sacred and inviolable.

3. That none shall be censured as erroneous who own the doctrine as contained in Scripture, and own all the Scripture saith about it, tho' they don't agree with this or that schemist, or with any of them, in their less certain and disputed opinions.

4. As every necessary fundamental doctrine is not only revealed in Scripture, but distinctly and clearly revealed there, what is fundamental and necessary in this doctrine must be so revealed. Which rule will cut off all troublesome questions that kindle our flames and divide us ; will reduce the doctrine to its primitive simplicity, and leave nothing in it but what's easy ; and consequently in which Christians will agree and can't but agree. So that if these things be granted, none of which I think can be gainsaid by Protestants consistently with their own principles, little more seems necessary towards putting an end to this controversy, or at least taking the venom and sting out of it.

Should any ask, what is clearly revealed in Scripture concerning the doctrine of the Trinity, in which there's an agreement among Christians ; I shall so far go out of my way as to answer this inquiry, though to some it will appear needless.

The Scripture represents that there are three divine persons in whose name we are baptized, the Father, Son, and Holy Ghost, concerned in the great work of our redemption. I call them Persons because the Scripture speaks of them as we do of persons, and with personal characters ; and I reckon them really\* distinct persons, i.e.,

\* Note by Mr Bennet : "I would not be understood to determine what is precisely fundamental in this doctrine ; particularly that the word Person is so, or the distinction between the persons : Indeed I reckon the real distinction exceeding plain in Scripture, and highly necessary ; but am far from thinking he's no Christian, that can't discern and won't allow such a distinction, but thinks it necessary in order to preserve the unity of the Godhead, to assert an identity or sameness of numerical essence. Though this to me appears downright Sabellianism."

distinct intelligent agents. The Scripture manifestly supposes this by the distinct offices it ascribes to them ; the covenant of redemption ; the incarnation, satisfaction, intercession ; the whole office [of the Son] as Mediator, and of the Spirit as Paraclete, imply it. And indeed it appears to me so necessary in the whole scheme of the Christian Religion, that I'm inclined to think, had not some notions touching the unity of the Godhead (not so consistent therewith) obtained a sanction in the church, there had been no debate about it.

The Scripture represents the Father in the great business of our redemption, as supreme legislator asserting and maintaining the rights of the Deity, and honour of his law and government ; and therefore, tho' the divine philanthropy, love, and grace to man was the spring and rise of our salvation, yet divine wisdom directed it should be upon satisfaction or atonement made as an honourable compensation for the affront offer'd in the apostacy, and a proper means of declaring God's righteousness, justice, holiness, &c., and securing man's obedience for the future.

The Son is represented as Mediator, 1 Tim. xi, 5, interposing on our behalf, offering himself a public victim, Ps. xl, 6, 7, 8, Heb. x, 5 10, he gave himself for us a sacrifice, Ephs. v, 2, and having made peace and reconciliation Col. i, 14, 20, ever lives to make intercession, Heb. vii, 25.

The Holy Spirit is represented as making application of all to the souls of men, as discharging the office of Paraclete, i.e., convincing of sin, enlightening, sanctifying, sealing, comforting, John xvi, 8 ; Eph. i, 17 ; Tit. iii, 5.

We are assured that the Son and Holy Spirit are every way sufficient for their office. This may be concluded with certainty from the Father's appointment of them thereunto, and is abundantly intimated in Scripture. Whatever dignity and excellency of nature was requisite to qualify the Son to be a propitiation, this we are assured he had, Eph. v, 2, Heb. x, 10, 14 ; whatever was requisite to the government, protection, and defence of his church and a final conquest over all his enemies, this he has, as power, Mat. xxviii, 18, 19, John xvii, 2 ; wisdom, Col. ii, 3 ; universal knowledge of persons, things, thoughts, and inward affections, omnipresence in a word, Mat. xxviii, 20 ; he's able to save to the uttermost, Heb. vii, 25, and a like fulness of capacity for his office is ascribed to the Spirit ; John xvi, 13, 1 Cor. ii, 10, Rom. viii, 27, 1 John iv. 4.

The way and method of intercourse with God, in all the particulars of gospel worship, the Scripture represents to be a coming to the Father through the Son, and by the Holy Spirit, according to that the apostle Eph. ii, 18, "thro' him, (the Son), we have access by one spirit unto the Father," i.e. as a late pious and prudent person expresses it, in a discourse



truly answering its title and the temper of its author, "By the Spirit enabling, through the Son encouraging, and to the Father as finally and fully effecting, all good, (and accepting it) he adds, nor is this the voice of a single text, but runs in a manner through the whole New Testament as the sum and substance of the gospel institutions." Dr. Oldfield's *Pacific Discourse concerning God*, p. 17.

We are to come boldly to the thrones of grace, through our Great High Priest, the Son, interceding in heaven, and the Holy Ghost in our hearts. This is the plan of gospel worship. The Father is the original and fountain of all our blessings; the Son the medium of communication, the Spirit the advocate, or inward operator in the souls of believers.

Whatever uncertainty any may apprehend touching the precise nature of these three glorious Persons, their unity and distinction, the Scripture account of them is such that every Christian may with confidence depend upon them in their respective offices, and in all that work they are represented as performing for the church. 'Tis not necessary that we know particularly their essential absolute perfections, and their relations one to another, (nor can we know more of that matter than God has been pleased to reveal), 'tis enough that we know their relation to us, and what offices they sustain in which we may trust them with security; 2 Tim. ii, 14, "He's able to keep what I have committed to him against that day." The believer can leave his soul and all his concerns in the hands of his Redeemer, and rely on Him for protection, defence, final victory, and salvation, (on Him as the purchaser, and on the Spirit as efficient), "looking for the mercy of the Lord Jesus to eternal life." Thus the Scripture invites and encourages to, and thereby lays a foundation for our faith, hope, trust, &c.

As this general account of the doctrine of the Trinity is plain in Scripture, and it may be all that's plain there, so I reckon 'tis sufficient for all the purposes of Christian faith and practice, if we know and heartily believe these general and uncontested truths concerning the Son of God; believe his ability and full sufficiency as a Saviour; choose him as such, receive his doctrine, depend on his mediation, resign [ourselves] to the conduct of his spirit, in a course of obedience, according to the laws of the gospel, no doubt we shall be accepted of God, though we are not among the Apoptæ, (sic) have not been initiated into the secrets of one or another scheme, and know little of Eternal Generation, Procession, Personality, Perichoresis, &c., I can't think (if the severer critics will pardon me here) that religion and the peace and comfort of souls is half so much concerned in many of our questions and determinations about the Trinity, as some imagine; but that the plan of Christian worship, and the scheme of Christian religion, would remain very much as 'tis, and ought to be, with a considerable liberty and latitude allow'd on this

head. I therefore concur very heartily with the advice of the Pacific Discourse, that we rest contented with a more general sense of Scriptural discoveries, (especially those relating to Father, Son, and Spirit), rather than venture upon particulars, that are not so certainly contained in what we wou'd so expound, nor yet more plainly declared in other places of Scripture. The general import may perhaps sufficiently answer the great purposes of religion ; it may be those of truth and peace much better, and surely we should be very careful we do not in effect "add unto God's word, lest he reprove us, and we be found liars." Prov. xxx, 6.

But I leave this argument in which if I have spoken some things freely and made concessions not agreeable to every one, I shall only say that as my design is pacific, and to allay as far as may be the heat and ferment our contests have raised, I thought nothing less sufficient to answer that end. If Christians may not be allowed to think differently on a doctrine so much above us, which none profess to understand, and on which none on earth, I presume, think aright in all particulars, be allowed here to intrench themselves within the limits and terms of Holy Scripture, and suspend their belief of human phrases, when they have no knowledge, no ideas ; if this may not be allowed without breach of charity and peace, I see no help for it, but we must live in a state of slavery, hypocrisy, or war. And if, after all, any that are sure they themselves are wise shall arraign what has been said, and give it such names as bigotry and passion may dictate, I shall appeal from them. The matter is *coram non judice*. "Be patient, brethren, (in this sense), to the coming of the Lord."

The following extracts are from Mr Bennet's sermon, passages from which are set out at p. 174 supra :

"Every one that has this divine faith assents to all God has revealed implicitly and explicitly, (as the distinction is), to all the necessary and fundamental doctrines of religion. There are many things that are contained in the Bible that a multitude of Christians are ignorant of, and consequently they cannot be said to believe them with an explicit direct faith ; but then it must be allowed they have a general faith in all that God reveals, resting in his veracity and truth, and being assured that what he says is true, that he will not, cannot deceive them. They assent to every doctrine in general, and particularly all the great essential doctrines of religion. These they believe distinctly, have some knowledge and understanding of them, and assent to them upon the credit of the Revealer. \* \* \*

"Whatever God has revealed concerning himself, concerning the Father, Son, and Holy Ghost, the mystery of the Trinity or Incarnation, the resurrection of the body, or any other doctrines of our religion, we are not to cavil against these things because we do not understand how they are, or how they can be. We must not indeed pretend to under-

stand more than God has reveal'd, but what he has revealed is to be embraced without objecting. This submission we owe to the wisdom and authority of God. We are to examine whether this or that proposition be revealed, and when we find it revealed, it is the business of divine faith to receive it without any cavilling on the account of difficulties. \* \* \*

"Besides assent; there is consent in divine faith ; and this act of it principally respects the Christian covenant, and more particularly the Lord Jesus, the scheme and method of salvation by him ; this is frequently spoken of in the New Testament, under the notion of believing in Christ, believing in his name and the like. I am not here to explain this at large, that would detain me too long, on a subject that I only propose to touch by the by ; I shall therefore just hint that it supposes and includes such things as these :

"An assent to, or belief of all that God has revealed concerning his Son the Lord Jesus, and salvation by him, as that he is the promised Messiah ; that he came into the world, was made flesh, died for our sins, and rose again for our justification ; that eternal life is in him ; that in him we have redemption through his blood, the forgiveness of sins according to the riches of his grace."

The quotations from Mr Bennet given in the Proofs are as latitudinarian as any that could be quoted from any book by a Presbyterian author printed in his lifetime, and yet we see what his opinions were.

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## No. 2.

Lists of the Presbyterian and Independent chapels in England, with the names of the ministers, the numbers of the hearers, and other particulars, between the years 1717 and 1729, prepared by Dr. John Evans, colleague and successor of Dr. Daniel Williams in the pastorate of the Presbyterian congregation in Hand Alley, Bishopgate Street.

The volume from which the lists are copied is preserved in the library founded by Dr. Daniel Williams, and seems to have been prepared by Dr. Evans, from returns in respect of the counties severally, obtained by himself, or for him by Mr, afterwards Viscount, Barrington and ministers in London. The returns seem to have been received in 1717 or 1718, and the account drawn up from them must have been corrected by additions from time to time noting deaths, removals, new appointments, dissolutions of congregations, and erections of chapels nearly to Dr. Evans's death, (May 1730), the last entries relating to 1729. The object in preparing the document seems to have been to convince the

government of George the First, prior and in order to the repeal of the Schism Bill in England and the passing of the Irish Toleration Act, that the Dissenters had great influence in elections, and were more powerful than the Low Church party, though continually sacrificed by the Whigs in power to propitiate the High Churchmen, who were all Jacobites. So far from the truth was the sneer of Addison's Tory foxhunter that the only Presbyterian in the diocese was the Bishop, whose carriage was upset in taking the Noncon holder-forth to poll at the election. The number, ranks or occupations, and sometimes the wealth, of each congregation, county or borough, but particularly the number of voters in it are stated, and occasionally also the number of churchmen whose votes they could command. Here and there, as at Bristol and Exeter, a contrast is drawn between their strength and that of the Episcopalians supporting the Government.\* The postal address of the minister is given in many cases, and evidently had been carefully enquired after, with the view of all communications being addressed to him. This is therefore an account of the temporal and worldly condition of the churches, and does not relate to spiritual matters, for there is no return of communicants; if however the remarks contained in the foregoing pages as to their discipline are correct, the particulars given are more trustworthy and interesting than any others respecting them could be. It gives greater weight to Dr. Evans's authority, that he had devoted great attention to the affairs of dissenters, and had made collections for a History of Nonconformity in England, which were afterwards used by Mr Neal.

It is to be noticed that the statement here presented gives the strength of dissent forty years, (a period longer than is usually assigned to a generation), after the Act of Uniformity; that speaking generally the old confessors of the Stuart times, the patriarchs of the Happy Union and the Neonomian controversy, had passed away, who were better known to posterity than their immediate successors; that those successors had in their turn become old or been gathered to their fathers; that the most influential ministers of the time were men to whom the old state of affairs was matter of tradition, and not of experience; and that the great defection to Arianism about 1740 took place when the younger pastors here named had in their turn gained the ascendancy. The list contains the great majority of those who voted at Salters' Hall, and of those who first departed from the old faith. Further the reader has before him the

\* Unless these cathedral cities were exceptional ones, the Nonconformists were the most numerous, as well as the heartiest supporters of the new dynasty, and they had good reason to be so, for they had few friends except the King and Mr, afterwards Earl, Stanhope; with regard to the latter it is a pleasure to quote the remark of the Quarterly Review, that his coronet has never been tarnished by mediocrity. This was said two generations back, but at any rate is true of the present inheritor.

statistics of Nonconformity, just when the repeal of the Schism Act had placed it, practically, on the footing on which it continued until the repeal of the Test and Corporation Acts. There is no Presbyterian Lord mentioned in the return, and only one Baronet, and had the census been delayed twenty years, there is reason to suspect that it would have furnished a much smaller number of esquires, and gentlemen, and their widows, for the small chapels supported by Presbyterian gentry were many of them closed within that time. The same period saw many of the old chapels occupied by Independents, or abandoned by orthodox minorities, in order to found churches on congregationalist principles. The chapel-building era had just closed, and Presbyterianism was to be seen at its very best, as far as respected the number of chapels and attendants. The gifts from the Presbyterian fund to the feebler congregations for the most part are shown by the list as diminishing in amount, and in some cases as discontinued altogether, and the inference seems fair, that there was a decay of interest, which portended a general falling off in the denomination.\* The removal of ministers seems frequent, as if there was a widely spread state of uneasiness, but there do not appear to have been many settled ministers attracted by the establishment, so that the defection which followed the Salters' Hall meeting and the schism which it occasioned, must have been chiefly among the young ministers without charges, who were then called candidates in England, and would have been licentiates in Scotland.

Dr. Evans died before even Arminianism had found much favour, with Presbyterian laymen at least, and the men with whom he was associated in the Occasional Paper, were Dr. Grosvenor and Dr. Samuel Wright, who according to Walter Wilson, were moderate Calvinists, Moses Lowman, who seems not to have let his Socinian tendencies appear otherwise than by dissertations which he left behind him in manuscript, and Simon Browne, whose writings had, up to that time at any rate, been on the side of orthodoxy. Dr. Evans was buried in Dr. Williams's grave, and without doubt was like him, orthodox, but catholic. He may be thought to show his dislike of the assumption of authority by which Mr Read was dismissed, but he does not mark the removal of Martin Tomkins from Stoke Newington. His entry for Exeter, (a little altered here to assign the chapels to their respective ministers), though it mentions a new meeting, does not give any intimation as to the state of the case with regard to Hallet and Pierce; and may be taken either way as denoting approbation or displeasure.

\* It will be remarked that at least half the chapels received assistance from the Presbyterian Fund, and in very small sums, even if they were half-yearly payments, which they very likely were, as the Hewley charity was distributed half-yearly, and its rules might be expected to be borrowed from those of the general fund, which it succeeded as to the northern counties.

The Presbyterians and Independents are intermixed throughout, though they are kept rather more separate in London; in some instances the hearers or voters in the two denominations are stated together. The returns in several cases were furnished by Independents. No unprejudiced person can read through Dr. Evans's volume without inferring a very close union between the Presbyterians and Independents; which from the circumstances of their earliest history, has not been, and it may be said cannot be, accounted for otherwise than has been done in these pages; and which, if it existed, is decisive of all the positions contended for in them.

With regard to some few Independent chapels, the minister is described as a lay preacher, but this is not stated as to any Baptist, though no doubt most of their ministers were then such, and remained so in small places till long after the commencement of the century. In some cases Ant. or A (for Antinomian doubtless) is added to an Independent minister or preacher's name, it is believed it is not added to a Baptist name, though high Calvinism was rife among the Particular Baptists. The fair inference is, that the Independents had few lay preachers, and few Antinomians among them.

The Baptists are given in a separate list for each county, and the statement as to them is most meagre throughout. There was then a much greater difference and distinction between their ministers and those of the two other denominations than exist at present. The denomination is marked A, evidently for Antipedo-baptist, of which Baptist is no doubt a contraction; for the name would scarcely have been recognized out of the denomination, if it had been assumed to import that the hearers of it alone had been really baptized. Both divisions\* of Baptists are included, and in a few cases where two of their chapels are returned in town, "G. and P." are added.

In two groups of small places returned as Baptists it is expressed "People mixt as to Baptism," and two places, one in the list of Baptists, have both I and A written opposite them, which would seem to denote a mixed communion church.

It has been thought better to divide the Presbyterians and Independents here into two lists; indeed the former only were taken out in the first instance, but there seemed every reason to include the latter in a volume which will have most interest or use for Independents, while the places of the Baptist congregations stated at the end of the Presbyterian list will answer every purpose contemplated here. If any town or village has, or has had, an old Baptist chapel which is not to be found in the list of

\* The names General and Particular, with the omission of the word Redemption, are among the oddest assumed or owned by any religious bodies, and it is especially ludicrous to find the name Particular so often misunderstood, even among Baptists, as denoting strictness of communion.

Baptist chapels given here, and an old Presbyterian chapel mentioned here is not to be otherwise accounted for, Baptists may be taken to be, or to have been, in possession of it. Oxford is the only case known to the writer. At Wednesbury Staffordshire they have an old chapel by late purchase under a new deed, but this list, if Widgley means Wednesbury, shews that when it was drawn up they had a chapel there.

The original manuscript is in four columns; the first contains names of places, any alias or vulgar names being given as well as the correct ones. Cities and Boroughs invariably come first, and they are generally followed by Market Towns, (marked respectively C, B T, and M;) the smaller towns or villages come last, though in some counties the market towns are intermixed with them. The villages supplied by several persons come last, except those where there was not service every Sunday, or there was only a lecture; this last word seems here to mean a week day sermon.

The possession of the chapels at present, or their non-existence, is denoted by the type in which the names of the places are printed, as will be explained at the top of the first list. It should however be explained that it is not meant that the congregation worships in the old chapel. That may have been taken down, and not rebuilt, but if the identity of the church which once occupied it has been preserved, that has been considered sufficient, as chapel and church are, in that case, both represented. The Unitarian Pocket Book, the Congregational Magazine, the evidence in the *Attorney-General v. Wilson*, *Wilson's Clerical Guide for Scotland*, and the histories of dissent in the counties as to which it has found an historian, have been the authorities relied on in assigning the occupants. No doubt many inaccuracies and omissions will be detected in the assignment.

In the second column are the ministers' names, not always in correct order, names of ministers who succeeded those originally entered having been added where there was most room for them, so that colleagues (in the original bracketed together, here marked by "Coll" after the second name) are often divided by the successor of one of them. Sometimes, through the space having been exhausted, the last minister stands first, and is distinguished from the ministers of the preceding place only by a stroke connecting him with his own town. It is trusted that the names are marshalled in proper order here. Ministers dead or removed since the first formation of the list are so marked with a date, often in case of death specifying the month and its day; the year only is given here. In almost all these cases a line is drawn round a name or names, and all words dependent thereon, so that the actual minister or ministers of a place having undergone any change might appear at first sight, and sometimes this line is the only indication of a minister's removal. Generally the place to which a minister

removed from the place where he is entered is mentioned, and occasionally that from which he came to it. All information of this kind is copied here. Three or four Ejected ministers survived so as to appear in this record of the new state of things produced by the Revolution, and are distinguished by "Ejected." They were all dead when Dr. Evans ceased from his labours. About as many instances ministers are mentioned as having conformed. The dates of doctorships are mentioned in the original; they occasioned a great deal of remark at the time, (as Dunton's life shews), perhaps because they were the first except medical ones which came from beyond sea or Tweed; for the Puritans not having been cast out of the establishment the universities were open to them. The Christian name (so called) is very rarely omitted in original entries, but frequently in the later ones, shewing that the former were transcribed from information carefully furnished from the district, and the latter were added from report which would give only the surname. The ministers first entered are marked by a P or I, following their names in this column; and put in the case of colleagues opposite the point of the bracket. This distinctive letter is so uniformly omitted in respect of their successors that it must be taken to apply to them unless it is supplanted by the other letter. These letters P. or I. are often omitted as to a place supplied by different ministers, or having a lecturer only, most likely because both ministers of both bodies supported it. Several, apparently small, places have neither letter. In the first column below the name of the place or at the end of this column there is to be seen f, or ff, (fund or from fund, that is the Presbyterian fund,) and below a figure surrounded by li, often apparently added to the original entry. In most cases this figure has been altered into another with a pen, (which made strokes almost such as a brush would make), or has been struck through with another kind of pen, as if at another time. The original figure, where legible, and the added one, are both stated here after the name of the town, and "disc" indicates a figure having been so struck out, and no other substituted for it.

This column often has at the end of it F, without any figures following it, except in two or three instances; and from the ink and writing being the same as those in which payments from the Presbyterian Fund are entered, it seems probable that the reference here also is to an allowance from the Presbyterian fund. In the list of London ministers the letter C is prefixed to the names of some ministers; it may signify Calvinists. A star is also there prefixed to the name of a sole pastor, or placed between the names of colleagues, but its meaning seems not to be referable to any circumstance common to all those names. The P or I affixed to some names is followed by n., the meaning of which has not been discovered.



The third column headed *ordained*, is as to Devon and Cornwall filled up both as to Presbyterians and Independents, and no doubt the records of the Western Assembly supplied the dates, but the same is not the case with any Somersetshire congregations, though some if not all of them were in connection with that Assembly. In London dates are given as to most Presbyterians, though as to many of them this column only contains the *O.* as stating ordination; as to almost all the Independents it is an entire blank, and as to Baptists entirely so. In other counties nothing is found in this column, but *O.* and this almost exclusively in conjunction with Presbyterian names. The intention of this column it may be conjectured was to gain respect from the administration for the ministry, as having a recognised, distinctive, and permanent character.

The fourth column of addresses is filled up as to most ministers' names in London, Berkshire, Essex, Lincolnshire, and Exeter; in other counties the entries in it are very few. In London, generally streets are mentioned, in some instances the houses of other persons are given for addresses. In the country the post town is stated, and sometimes the post bag, and some of the particulars may have interest on the spot.

No trace is to be found in these pages of the entries in the third and fourth columns.

The column as to the quality of the hearers was evidently thought of after the book was ruled, since no place was assigned to it, and it sometimes makes the fourth column, and sometimes the fifth, as there was most room for it. Here the entries follow those in the fifth. A perfect return, or nearly such, is made in this particular as to Berkshire, Cheshire, Cornwall, Cumberland, Hampshire (county of Southampton), Lincolnshire, Monmouthshire, Nottinghamshire, Oxfordshire, Westmoreland, Salop, and Wiltshire, and a partial return for Essex, Kent, Leicestershire, Northamptonshire, Northumberland, Surrey except Southwark, and Sussex. The other counties take no notice of the matter; and perhaps it was not embraced in the original enquiries. The fifth column was intended to state not only hearers and county and borough voters, but also burgesses having the appointment of magistrates, and explanation is given that this was the case in some Boroughs; the entries under this heading are entirely omitted here. In many cases voters for different counties (as in Bristol especially) or for different boroughs (as in Essex) are specified. On the other hand in Warwickshire and Worcestershire all mention of voters is omitted, most likely there were few dissenting voters in such a Jacobite district. Here only the voters for the county and borough in question are noticed.

#### PRESBYTERIANS.

C. B. and M. after names of places stand for Cities, Boroughs, and

**Market Towns.** The next numbers denote pounds sterling allowed to the chapel by the Presbyterian Fund; F. indicates that the chapel received an allowance not stated; the number immediately following a ministers' name the year of his coming to the place; *rem.* or [*rem.*] signifies that the removal is not stated in the original. Coll. means that the two ministers whose names it follows were colleagues. The first or a single number succeeding the ministers' names relates to Hearers, a second to County voters, and a third to Borough voters. The initial found in the after part of each line mean C.V. county voters, E. Esquires, G. Gentlemen, T. Tradesmen, F. Farmers, Y. Yeomen, L. Labourers.

The present occupation of the chapels is indicated by the type in which the name of the place is printed: if by Socinians it is in small capitals, if by Independents in italics, if by Scotch Presbyterians in the thick type called antique. Where there is no such distinction the congregation may be supposed extinct.

All the additional information collected (W.W. signifies it is from Mr Walter Wilson's MSS. also in Dr. Williams's library) is given between [ ]. What is otherwise added is very meagre, and often it may be incorrect.

The names of a few chapels held by Socinians and built by Presbyterians, in most cases after the period covered by Dr. Evans's account, are added also between [ ]. It is intended to preserve the spelling of the original.

#### BEDFORDSHIRE.

The return as to this county, furnished by Mr Chandler of Bedford, was that there was not any Presbyterian chapel in it.

**Baptist Chapels:** Dunstable, Stevington near Bedford, Eversholt near Woburn, Charlton in Willy Hundred, Cranfield between Ampt-hill and Newport Pagnel, Ridgemont, Luton, Goldington near Bedford, Charly Wood, Biggleswade, Sharnbrook, Southhill near Shifford, Cotton End, Market Street, Thorn, Winfield, Charlton (preaching alternately), Keysoe, Blunham near Bedford, and Malden.

#### BERKSHIRE.

**New Windsor.** B. 7. 10. John Cambden, *rem.* 1718. William Sheffield, 1719, *rem.* 1726. Benjamin Owen, 1726, *rem.* to Aylesbury, 1727, 8. 100. 8. 12. Mostly T and F. [Extinct after 1732. W.W.]

**Reading.** B. Samuel Doolittle, P. died 1717. George Burnett, 1716, I. Coll. 800. 47. 144. G. 10. rest T. [P. congregation became extinct, chapel purchased by I. and re-opened. W.W.]

**Ditto,** Richard Rigby, M.D. 1718.

Wallingford. B. 8. 6. John Goodhall rem. to London, returned to Wallingford, rem. to Boxhall, Herts, 1728. Samuel Park, 1728. 300. 28. 12. Some G., several substantial F. and T., most of mean condition.

Abingdon. B. Thomas Moore died 1721. George Benson 1723. 800. 66. 72. G. 26. T. 106., the rest Y. F. and L. [This chapel was preserved by the dismissal for Arminianism of Dr. Benson, afterwards eminent.]

NEWBURY. M. Joseph Standon, conformed 1726. Daniel Maes, 1727. 500. 33. G. 4. T. 55. F. and Y. 4.

Hungerford. M. 6 Samuel Fancourt, rem. to Wilton 1716. Edward Godwin rem. 100. 100. 151. [Extinct].

Wantage. M. 10. 7. Ebenezer Roscoe died 1723. Ralph Milner, 1724. 300. 30. 1. G. 13. T. 9. F. 14.

Oakingham. M. 5. John Meers died 1728. Mackewen rem. 1728. Catcot 1729. 200. 22. G. 9. Y. 8. T. 15. F. 5.

Maidenhead. M. Richard Stretton died 1722. Joseph Simmonds, 1723. 200. 21. T. and F.

Farringdon. M. 9. 6. John Gunter, rem. 1720. Joseph Dodson, 1721. About 150. 22. E. 2. G. 4., rest T. F. and Y.

Buckland. Same ministers. 140. 11. E. 1. G. 5.

Aston, near Wallingford. James Wallace. 200. 39. Some G., several substantial F., and T. most of the meaner sort.

Bucklebury. 5. John Hammet quitted the ministry 1719. John Giles. 150. 6. F. Y. and L.

Baptist Chapels: Reading, Abingdon, Newbury, Wantage, Farringdon, Cookham, near Maidenhead, Twyford occasionally.

Quakers about 700 in 13 meetings, with 100 C.V.

Mr Barrington's account.

## BUCKINGHAMSHIRE.

Buckingham. B. 5. 7. William Sheffield. William Mosse, 1715, died 1727, 8. Timothy Wylde, 1728. 150.

Ailesbury. B. Matthew Ward died 1727, 8. James Throgmorton, 1728. 250. 61. 61.

Great Marlow. B. 10. 7. John Benson rem. to Chertsea, 1724. Thomas Pitkin 1725. 250. 41. [Extinct].

Newport Pagnel. M. 10. John Hunt rem. 1721. William Hunt, 1725. 750. 20.

Beaconsfield. M. Samuel Clerk dead. Blackmore. Cornelius Hancock 1728, rem. to Uxbridge 1728. 189. [The congregation united with an old I. one].

Princes Risborough, near Wendover. 10. 7. John Sills rem. to

Henley, Oxfordshire. Joseph Simmonds 1718 rem. William Willetts, 1721. 15 Co. votes. [Extinct after 1772. W.W.]  
*Chesham*, M. 8. disc. Isaac Robinson, P., died 1723. William King, I., 1724. 160.  
*Chippin Wicomb*. John Pownell, 44 Co. votes. [Became I. 1772. W.W.]  
*Chal'ont St. Giles*, near Uxbridge. 6. Thomas Messenger died 1721. Samuel Pike. 300. [Became I. 1811. W.W.]

Baptist Chapels : Ailesbury, Chesham 2, Colne Brook, Newport Pagnel.

#### CAMBRIDGESHIRE

*Cambridge*. B. 20. 14. John Cumming, rem. to London, 1716. George Whitwick, rem. to Colchester, 1720. James Duchall, 1721. 300.  
*Swaffham Prior*. 4. 6. Thomas Cawdwell died 1724. Philip Bowdler, 1725, rem. 1726. Oasland 1727.  
*Eversden*, near Cambridge. 5. disc. Thomas Jennings. 800. 34.  
*Barrington*. Same minister.  
*WISBECH*. M. 4. Ishmael Burroughs, J., rem. to London 1724. John Ford rem. to Sudbury 1729.  
*Fordham*. 6. 7. William Sheppard, rem. to Ipswich 1721. Tobias Wildbore. 150.  
*SOHAM*. Same.  
*Croxton*.

Baptist Chapels : Wisbeach, Whittlesea, and Marsh Sutton, in the Isle of Ely (I. and A.), Great Wilbraham.

#### CHESHIRE

*CHESTER*. C. John Gardner. Peter Withington, rem. 1720, Coll. 1000. 35. 83. G. 38. T. 75. Y. 16. L. 15. [This was Matthew Henry's chapel, the gallery was added for Independents who joined the congregation. The endowments are considerable.]  
*NAMPTWICH*. M. 6. 4. Joseph Mottershed rem. to Manchester 1717. William Vaudrey, 1718, rem. to Bristol 1728. Thomas Haines rem. from Staffordshire. 300. 28. G. 10. T. 29. Y. 23. L. 23.  
*MACCLESFIELD*. M. Adam Holland, M.D., died 1717. Thomas Culcheth, 1717. 500. 48. 42. G. 20. T. 90. Y. 52. L. 44. [Independent chapels built by Trinitarian Secession].  
*CONGLETON*. M. 6. 5. Thomas Irelom. 200. 30. [Endowed].  
*Tinsal*, alias *Tingthoazel*. 6. 5. Gilbert Taylor died 1716. Edward Thornton. 574. 37. G. 7. Y. 28. L. 113.

*Stockport.* M. Richard Milne left off preaching 1720. James Hardy.  
629. 42. G. 20. T. 85. Y. 70. L. 13.

*KNUTSFORD.* M. Thomas Lea. 500. 77. G. 18. T. 5. Y. 64. L. 47.

*Hatherlow.* 4. 5. Gamaliel Jones died 1717. John Jones. 300. 36.  
G. 10. T. 39. Y. 26. L. 8.

*Wheelock, near Sandbach.* 4. Silas Sidebottom. 100. 17. G. 4.  
T. 8. Y. 11. L. 20. [Now held by Baptists].

*DUCKENFIELD.* William Buckley. 887. 96. G. 14. T. 16.  
Y. 76. [Trinitarian Secession ultimately formed the Independent  
congregation.]

*Kingsley, near Frodsham.* 6. 5. Thomas Holland. Thomas Valen-  
tine. 100. 30. Y. 20. L. 22. [Now held by the General  
Baptists].

*LOSTOCK, [or Allostock] near Northwich.* 6. 5. Samuel Garside.  
William Vawdrey. James Lightbown died 1728. Samuel Eaton,  
220. 28. [Service monthly].

*Ringhay, or Ringey Chappel; near Dunham.* P. f. 5. 4. Nicholas  
Waterhouse died 1724. Radcliff Schofield. 400. 96. G. 27.  
T. 40. Y. 63. L. 50. [In possession of the Establishment].

*HIDE, between Duckenfield and Stockport.* 4. 6. John Cooper.  
674. 65. G. 10. T. 39. Y. 70. L. 2.

*DEAN ROW, near Stockport.* Hugh Worthington. 1309. 142. G. 40.  
Y. 160. L. 234.

*Brombrow and Upton, in Wirrall.* 5. Thomas Parret rem. to Caer-  
marthen 1719. Thomas Woodcock. 180. 19. G. 12. T. 9.  
Y. 26. L. 16. [Both extinct orthodox.]

*Newton, alias Partington, near Middlewich.* 5. 6. William Harding,  
100. 13. G. 2. T. 6. Y. 7. L. 12. [Endowed].

*Cross Street, in the Fund books Ashton-upon-Mersey.* 5. disc.  
Michael Fletcher. 322. 30. G. 5.

*Northwich, set up 1721.* 6. John Partington rem. to Coventry 1724.  
John Turner 1724. [New chapel].

*Middlewich.* M. 4. George Hamnet. [Extinct].

[HALE, built 1723.]

Baptist Chapels: Namptwich, Hill Cliff near Warrington, Worford  
near Macclesfield.

Mr Gardner, who sent the return, stated that if the Baptists "who he  
supposes had sent their account separately," had 100 voters, the  
Dissenters would have a fourth of the county votes.

#### CORNWALL.

*Talvans, near St. Germans.* Theophilus Tingscomb Ejected, dead.  
60. 1. G. 1. T. 4. Y. 6. L. 15.

**Truro.** B. f. Nicholas Brinley, rem. 1725. 706. 70. G. 6. T. 6.  
 Y. 8. L. 12.  
**Loo.** B. 10. 7. John Cadmore. Samuel Thomas. 100. 7. 3.  
 G. 3. T. 7. Y. 7. L. 30.  
**Bodmin.** B. 6. 5. Colton, John. Greeby. 70. 4. 1. G. 4. T. 3. Y. 5.  
 L. 10.  
**Liskard.** B. 8. 6. Richard Glanvil. Thomas Hornbrook. George  
 Brett. 130. 5. 6. G. 7. T. 5. Y. 10. L. 20.  
**St. Ives.** B. f. Robert Gough, dead. William Tucker. 160. 11. 28.  
 G. 10. T. 26. L. 12.  
**Penryn.** B. and *Falmouth.* M. Jasper Howe, rem. 1721. Jasper  
 Howe. 200. 7. 12. G. 7. T. 20. Y. 6. L. 30.  
**Launceston.** B. 6. Michael Martin. William Tucker, rem. to St. Ives.  
 Michael Martin returned. 130. 5. 5. G. 3. T. 14. Y. 5. L. 10.  
**Foway** al Foy. 5. 4. Daniel Kellow rem. William Nation rem.  
 1727. Thomas Rowe. 100. 5. 8. T. 8. Y. 2. L. 20.  
**PENZANCE.** M. 5. 4. Matthew Huddy. Yabbacomb.  
 120. 3. Y. 8. T. 10. L. 15.  
**Goonrounson, or Gourolston, near St. Michaels.** James Strong. George  
 Hanmer. 50. 4. 4. G. 2. T. 6. Y. 6. L. 10.

Baptist Chapels: Loo, Penrhyn.

#### CUMBERLAND.

**Carlisle.** C. 10. 7. Thomas Dickenson. 100. 12. 4. G. 7.  
 rest Y. and T.  
**Whitehaven.** M. Thomas Dickson, rem. to Bolton, 1723.  
 Emanuel Latham rem. 350. 18. 6. G. 20., one merchant  
 worth above £20,000., four merchants worth each about £4000.  
 The rest T. Y. and L. Dissenters here by trade have such influ-  
 ence in elections at Cockermouth, that with the Dissenters of  
 Cockermouth they return whom they please. [See p. 626.]  
**Penrith.** M. 10. 7. Peter Seddon rem. William Wilson rem.  
 Samuel Threlkeld, 1728. 130. 6. G. 6., the rest T. and Y.  
**Alston More.** M. and Weresdale. 5. Adam Wilson. 150. 10.,  
 generally L. in lead mines.  
**Brampton.** M. 8. 6. Robert Wight. 180. 1. G. 6.,  
 generally poor tenants of the Earl of Carlisle.  
**Keswick.** M. 6. 5. Sayers. Robert Stott, from  
 Broughton Tower, Lancashire. 95. 12. G. 8., the rest T.  
 and Y.  
**Blenerhasset, or Blynrosset, near Jerby.** 8. 6. James Mallison.  
 John Seyer. 153. 10. G. 1. T. 11, the rest Y.

**Salkeld**, or Carthwaite and Plumpton. Richard Rigby, M.D., rem. to Hereford. James Crosland. 100. 1. G. 1., the rest of meaner sort of Y. and poor F.

**Penruddock**, near Penrith. 8. 6. Joseph Dodson, rem. to Berks, 1721. Samuel Atkinson. 100. 3. G. 2., the rest Y. and T. Huddleskeogh, near Kirk Oswald. 5. 4. Michael Hope, rem. 1727. Thomas Walker. 235. 20. G. 4., the rest T. and L. Wardrew for the water-drinking time. 5.

In or previously to 1800, almost all the chapels in the northern counties now occupied by Scotch Presbyterians, were in the hands of Independents, and very unedifying details were proved in the Attorney-General v. Wilson as to the means, generally forcible, by which the Scotchmen obtained possession of them.

Baptist Chapels : Egermond, Outon, and Broughton.

Quakers : 20 meetings with 2,000 hearers.

Account by Mr Dickson of Whitehaven.

## DERBYSHIRE

**DERBY.** B. Fernando Shaw. Joseph Rogerson, rem. Coll.

**DRONFIELD.** M. 6. 5. Eliezer Haywood.

**CHESTERFIELD.** M. John Thomas, dead. John Smalley 1722.

**Wirksworth.** M. Robert Ferne.

**Loscoe**, near Wirksworth. 5. Joseph Rogerson rem. John Platta.

**Melburn** south of Trent, or Crompton. 4. 5. Joseph Crompton conformed 1718. William Walton. 60.

**DUFFIELD**, near Derby. 8. 6. Timothy Greenwood. Richard Rogerson rem. to Coventry. Coll. Samuel Statham.

**ILKESTON.** 6. 5. John Platta. Samuel Freeman rem. to London. Coll.

**Hogneston.** 4. 2. Stephen Parker. conformed.

**Findern.** 5. 6. Thomas Hill died 1719-20. Ebenezer Latham, M.D. [rem]. John Gregory.

**Chalsworth.** 5. 4. Joseph Holland.

**Pentridge**, near Alfreton, or Belper. 5. Nathaniel Ward.

**Ashford**, near Bakewell, &c. 21. John Ash, &c.

**Chappel** in Frith, *Chinley*. 5. James Clegg.

**Caldwell**, near Burton and Holliton. 8. 5. Ebenezer Latham, M.D., rem. to Findern.

**Ashburn.** A meeting once a fortnight. 5. Henry Seale. Josiah Hargreave, of Leek, in Staffordshire. Peate.

**Olestone Hall.** Samuel Brentnall.

Elton Middleton, &c., in the Peak. Richard Peat.  
 Dethick Chapel. John Holland.  
 Norton. Samuel Wood died 1724. Warren.  
*Bolsover.* Once a fortnight, by Mr Thomas, of Chesterfield, &c., 50.  
 Alfreton. M. 5. James Northward rem. into Yorkshire. John Holland.  
 Millbrow, in the Peak. 8. Samuel Hardman.  
 Hartshorn. Once a fortnight. John Hartley, of Ashby, Leicestershire.  
 Buxton. Holland rem. Richard Scolesfield 1728.

## DEVONSHIRE

The letters prefixed to names of places denote divisions of the county, according to the cardinal points.

S. EXETER. C., by Southgate, [George's Meeting.] Joseph Hallet. James Pierce. 1100.

New Meeting, [Mint Meeting.] J. Hallet 1719. James Pierce died 1726. Thomas Jeffery, 1726.

Near John's Bow. [Bow Meeting.] John Withers. Walter Farze rem. 1720. John Enty 1720. 800.

*Near Northgate.* John Lavington. James Green. 350.

French Chapel. Andrew Majendia. F. 120.

With Independents 74. 478.

S. TOTNESS. B. Thomas Eagles dead. Henry Atkins. 280.

*Ditto.* Samuel Carkat. 350. Together 32. 22.

S. *PLIMOUTH.* B. John Enty rem. to Exeter 1720. Peter Baron. Cock Coll. 500.

*Ditto.* French Chapel. 500.

Both chapels with Independents 58. 72.

E. *TIVERTON.* B. John Moore. 200.

*Ditto.* Jonathan Wheeler died 1724. Samuel Westcott. 570.

Both chapels with Independents 86. 8.

N. *BARNSTAPLE.* B. George Boucher. 400. With Independents 55. 100.

S. TAVISTOCK. B. 6. 5. Jacob Sandercock. 600. 22. 41.

E. *HONITON.* B. John Ball. 600. 15. 105.

N. *OKEHAMPTON.* F. John Parr. 200. 8. 30.

S. *PLYMPTON.* B. 8. 6. John Edmonds. 100. 5. 3.

S. *DARTMOUTH.* B. John Hughes dead. Adams 450.

*Ditto.* French Chapel. 130. Together 24. 8.

S. *ASHBURTON.* B. 5. Cornelius Bond. 360. 41. 37.

N. *BIDEFORD.* M. John Norman rem. to Portsmouth 1716. Nathaniel Cock. 300. With two Independent congregations 58. 3.



- S. *Newton Abbot* or [and] *Newton Bushell*. M. Isaac Gilling died 1726. John Cox. 380. 19. 13.
- Ditto. Samuel Westcot rem. to Tiverton. Jones.
- E. *Ottery St. Mary*. *culgo Autree*. M. John Walrond. 700. 35.
- N. *Torrington*. M. 8. 6. Robert Kellow. 350. 10.
- N. *Ilfordcomb*. M. 5. 4. William Paulk. Josiah Follett. 200. 15. 4.
- S. *Kingsbridge*. M. 8. 6. John Cox Ejected 1719. Alexander Walker 1719. 300. 13. 2.
- N. *Chimleigh* or *Chulmleigh*. M. 5. 4. Walter Furze rem. to Bristol 1718. Richard Darracott died 1727. John Slowly. Brown. Moor 250. 4.
- E. *TOPSHAM*. M. William Horsham dead. Stephen Toogood. 600. 39.
- S. *Chudleigh*. M. 6. Samuel Adams [rem]. John Walton. 350. 21.
- N. *Appledore*. M. Benjamin Wills. 250. 14.
- E. *CULLETON* [Colyton]. M. 5. 4. John Roswell [rem]. 140. Ditto. William Yeonet 220. Together 23.
- N. *Hatherley*. M. 5. 4. George Lissant [rem.] Gillespy. 150. 6.
- S. *Modbury*. M. 8. disc. William Giles [rem.] George Hanmer dead. 200. 15.
- N. *CREDITON AL. KIRTON*. M. Josias Eveleigh. 600. 35. 6.
- N. *Bow*. M. Jelenger Simmonds [rem.] Jellard [rem.] 160. 8.
- E. *COLUMPTON*. M. Richard Evans. 400. 12.
- N. *South Moulton*. M. 6. Ebenezer Hancock rem. to Woodbury 1728. 380. 15.
- E. *SIDMOUTH*. M. 8. 6. Bennet Stevenson rem. to Bath 1719. William Paulk. 250. 13.
- E. *Bear*. 3. Sam. Newbery [rem.] By several 170.
- N. *Brampton*. 5. Jones 1728. 150. 11.
- N. *Thorverton*. Herbert Stogden rem. to Wells 1718. Hooker. 100. 6.
- E. *Luppit*. Robert Wood. 200. 12.
- E. *Stockland*. Richard Orchard. 200. Bucknell. Itinerant. 100. 4.
- E. *Sidbury*, or *Sudbury*, near *Sidmouth*. Isaac Clark dead. Dunster. 220. 3.
- N. *North Moulton*, near *South Moulton*. 8. disc. Alexander Walker rem. to *Kingsbridge* 1719. 100. 10. Shut up.
- E. *Budleigh*, near *Sidmouth*. 4. disc. Roger Beadon rem. 1719. 300. 13.
- S. *Bovey Tracy*, near *Chudleigh*. 4. disc. Samuel Stoddon [rem.] John Force died 1728. 200. 35.

- E. Silvertown, near Bradninch and Up. Columb. 6. 10. John Stoley  
[rem.] John Walter [rem.] Danbury. Moor.  
250. 12.
- N. Stokenham. 6. 5. Thomas Walsh. 360. 15.
- S. King's Carswell, or Keswel, near Newton Bushell. 6. Edward  
Colton. 150. 10.
- E. Lymston, or Woodbury, between Topsham and Exmouth. Joseph  
Manston dead. Martin returned to Launceston. Eliezer  
Hancock, 1728. 500. 20.
- N. Shobrook, near Exon. Thomas Bishop rem. to Barnstaple.  
Hooker. 150. 7.
- E. Uf Columb. 5. disc. John Chorley. 270. 12.
- Harterton. Samuel Wood dead. Frost. 300. 5.
- S. Morton Hamsted. Angel Spark dead. Micaiah Toogood. 600. 60.
- N. Puddington. Henry Atkins rem. to Totnes. William Nation 1727.  
300. 16.
- Cofton Chapel, by Starcross. Hugh Brown. 220. 3.
- N. Up Ottery. 4. Edward Bishop [rem.] Aaron Pitt, jun. 120.  
15.
- E. Awlscomb. Malachi Blake rem. to Blandford. 120.
- Ailsbeere. Samuel Stoddon [rem.] 100. 4.
- Corkwood. 5. Giles 1728.
- Pennicot. 6. Joseph Hooker.

Total 22,550, 1104, 104.

Baptist Chapels at Exeter, Plymouth, Tiverton, Topsham, Brampton,  
Morton, South Molton.

In Mr Vowler's letter to Mr C. Taylor, of December 22, 1716, there  
is this further account of the state of Devonshire :

In Exeter one Low Churchman only to three Dissenters. The  
votes of Dissenters in elections more than two to one of the Low  
Church, and the Low Church never undertook to bear above an eighth  
of the charges at any public election, the Dissenters advancing the  
other seven parts.

On the choice of forty guardians for the new hospital, erected in that  
city in 1700, when the law directed that every voter should pay two-  
pence a week in their own right to the poor, the Whig interest carried  
every member ; nor could the High Church, with their utmost efforts,  
reach above half way in any of the four wards to the votes by which the  
lowest guardian was chosen.

The Borough towns where his Majesty has any friends chosen have  
that interest chiefly supported by the Dissenters as at Plimouth,  
Plympton, Tavistock, Ashburton, Honiton, Tiverton, &c.

In the County they are supposed to be about one-sixth of the free-

holders. Not less than twenty Dissenters of estates and ability to serve in the commission of the peace.

Many of those reckoned among Low Church were formerly Dissenters, and desirous to return again to them.

The influence of trading Dissenters very extensive over their dependants in business.

## DORSETSHIRE.

POOLE. B. William Madgwick.

DORCHESTER. B. Baruch Nowel.

*Lyme Regis*. B. 6. Matthew Gay. 300.

*Weymouth*. B. Powell. Stephen Edwards.

*Shaftsbury*. B. James Green rem. to Exeter 1723.

*Sherburne*. M. John England. 500.

*Milburn Port*. B. 10. John Sprint, jun.

*Cerne*, M. 7. 5. Robert Sims rem. Richard Orchard. Bernard Banger.

*Winburn*, [Wimborne Minster] M. 8. 6. Miles Baxter.

*Blandford*. M. 5. 8. J. Powel. Malachi Blake.

*Bemminster*. M. 5. Crane. Thomas Hoare.

*Scardine*. Smith.

*Swanwich*, in the Isle of Purbeck. 8. 4. Richard Darracott rem. Richard Glanvill.

*Beer Hackwood*, a new meeting 1716. 5. disc. supplied by several. John Pierce and J. Powel.

*Stockland*. 3. disc. Supplied by several.

*Long Bredy*. 5. 4. Supplied by Mr Bangor and Mr John Copleston. Bernard Bangor. Thomas Coad.

*Meer*. Rothwel.

*Maiden Newton*. 5. 4. William Orchard.

*Bere Regis*. 6. 5. John Copleston rem. Waldron rem. Luke Filmore.

*Netherbury*. 5. Richard Orchard. Whitty.

*Over Compton*. 5. Henry Webber.

*Stalbridge*. 6. Simon Grimstead 1728.

Baptist Chapels at Dorchester, Bere Regis, Weymouth, and Lyme Regis.

## DURHAM.

Durham, C. Isaac Worthington. 300. 14. 30.

SUNDERLAND, M. George Wilson died 1724. Latham. 400. 8. 4.

STOCKTON. M. Thomas Thompson. 250.

**South Sheals**, at the mouth of the Tyne. William Stoddard. 200.

Haworth, near Newcastle. f. Alexander Creighton.  
 Walsingham (50), Cuthertstone, Langley Dale, Hidlihope. Lile.

Quakers at Durham and Sunderland 24, C.V.

# ESSEX.

*Colchester.* B. Daniel Gilson died 1727, 8. Robert Franks rem. to Clare 1719. Coll. George Whitwick 1720, rem. to Loestoff 1725. John Tren 1726. 600. With Independents 150. 400. [Cong. Arian from about 1753 to 1796; rem. to Stockwell Street. A small heterodox minority remained at the old chapel, but shortly gave it up, and eventually it was sold to a new congregation of Independents.]

*Malden.* B. Joseph Billio. 500. 34. 43. G. 16. [Trinitarians seceded during Mr Holden's ministry, but returned on his death, 1778.]

*Harwich.* B. 6. 5. Thomas Rappit died 1726. Paterson 1727, rem. 1728. Samuel Quincy 1728. 6 county voters.

*Brentwood.* M. 7. Gabriel Barber. 300. 26. G. 15. [Extinct. A Trinitarian secession in 1755 founded an Independent chapel.]

*Epping.* M. 10. 7. Samuel Bourne. [Mr Davids states this to have been Congregational from the first.]

*Hatfield Broad Oak, or Hatfield Heath.* M. 5. 4. George Wigget. 300. 22.

*Rochford.* M. 6. disc. William Condor died 1728. John Green. 4 county voters.

*Billerikay.* M. 5. 4. Thomas Jackson. 13. C. V. G. 11.

*Burnham.* M. 8. disc. John Bryan. 86. 3. G. 3.

*Chipping Ongar.* M. Simon Weaver rem. 1724. John Tran 1725. John Kittleton 1726. 200. 8. 90.

*Finchingfield.* 6. disc. Isaac Fuller, 400. 12. G. 10. [The original chapel seems to have been rented, and eventually given up].

*Little Baddow, near Chelmsford.* Thomas Leavesley rem. to London 1726. Thomas Jeffery 1726, rem. to Exeter 1728. Athy 1728. 300. 18. G. 10. [See the third volume of the *Essex Remembrancer*.]

*Tolsbury.* 6. 5. Thomas Cardwell, jun., rem. to Spaldwick 1723. Matthew Huddy dead. Benjamin Owen rem. to Windsor 1726.

Jasper Howe 1727, died 1728. 210. 8. G. 5.

*Weathersfield, near Bardfield.* 5. 4. John Harrison died 1728. Harrison, son of former. 600. 26. G. 12.

*Havering Well, near Romford.* 5. Samuel Wilson died 1727. William Sheffield. 200. 8.

*Chiswel*, on the borders of Cambridgeshire [Little Chishill.] John Nichols. 500. 43.  
*Castle Hedingham*, near Halstead. 5. 4. Thomas Fisher. 500. 28. G. 17.  
*Ridgwel*, near Clare. 8. 6. George Lowe. 600. 24. E. 1. G. 13.  
 Rockwoods Hall. Lackland [Lanchline] Rosse. 500. 59. G. 19.  
 Wivenhoe, near Colchester. 6. Samuel Wood rem. Joseph Eaton rem. to Wick. Macgee. 150. 7, [extinct.]  
*Stratford*, near London. John Goffe died 1729. Paine.  
*Stamburn* [Stambourne.] Henry Havers died 1723. Henry Havers, jun. 17. C.V. G. 6.  
 Wick, a new Meeting-house, 1725-7. Harrison 1726, rem. 1727. Joseph Eaton 1728.

Total 13866. 1008.

Baptist Chapels: Colchester, High Easten near Hatfield Broad Oak, Tarling near Witham, Nazing, Harlow, and Sooson, Pilgrim's Heath near Brentwood, and Aveley near Hornchurch, Braintree, and Burnham.

#### GLOUCESTERSHIRE.

GLOUCESTER. C. Joseph Denham rem. to London, 1722. Jeremiah Tidcomb rem. to Radcliff, 1729. Richard Addy 1729. 400. 40. [Endowed. Independent chapel founded by orthodox secession].  
 CIRENCESTER. B. John Keeling died 1726. Skinner Smith. 600. 132. [This chapel is now closed.]  
*Teaksbury*. B. 8. dis. James Warner. Edward Godwin. 1719. Joshua Griffith. 350. 47.  
*Tedbury*. M. 6. 5. Thomas Jones. 250. 22.  
 Barkley, or Newport. M. 8. 5. William Hawks. 200. 17.  
 MARSHFIELD. M. 5. George Seale, dead. Paterson. Angel Shapland. 300. 13.  
*Painswick*. M. 8. 6. Joseph Allen. Leoline Edwards rem. from Oswestry. 200.  
*Cam*, near Dursley. Joseph Twemlow. 800. 50.  
*Chalford Bottoms*. 5. disc. Theodore Westmacott died 1728. Silk 1728. 500. 50.  
 Blakeney, near the Forest of Dean. 10. 6. Joseph Pike rem. 1719. Josiah Oldsworth rem. David Thomas. 100. 12.  
*Shipston, or Wootton Underedge*. 6. 5. Oldham ejected. John Perrot. 279. 10.  
 Yate and Wickwar. M. 8. disc. Rice Griffith. 150. 10.  
 FRENCH HAY. Joseph Tyler. 200. 12.  
 Morton and Toppington. Clark. 150. 18.

Broad Marston, near Evesham, once a month. Wilmore.  
50. 6.

Cupola, in *Kingswood*, near Bristol. George Dimbury rem. to Swansea.  
Most colliers.

Hallen. Rosseter. Most colliers.

*Ringworthy*. 5. Thomas Brush.

Baptist Chapels at Cirencester, Tewksbury, Cheltenham, Chipping Sodbury, Stow in the Wold and Longborough, King Stanley near Stanley, Bourton on the Water, Massey Hampton near Fairford, Dimock, Broad Marston near Evesham, monthly, Ashton-upon-Carron, Stroud Walter, Coleford, Oxinton.

### HEREFORDSHIRE.

*Hereford*. C. 5. 4 Thomas Culcheth. Richard Rigby, M.D., 1717, rem. to Reading 1718. Peter Seddon. 150.

Lempster. B. Haley died 1719. Benjamin Lewis. 400. 49.

Weobly. B. Henry Francis rem. to London. John Perkins. 80.  
several.

*Bromyard*. M. Samuel Phillips died 1721. Richard Pearsall. 200. 8.

*Ross* and Blakeney Co. Gloucester. 4. John Drew dec. Joseph Pike 1715, rem. 1719. John Dobson rem. to Salop. David Thomas 1727. Josiah Vaughan 1727. 150.

*Ledbury*. M. 8. 6. Henry Livingson rem. Lathrop from Wem in Salop. 300.

Longtown and Neighbourhood. Morgan Thomas. William Crew coll. 200. 15.

Diito. 6. disc. William Price.

Baptist Chapel, Lempster.

### HERTFORDSHIRE.

ST. ALBAN'S. B. Samuel Clark. 400. 48. 99.

*Ware*. M. John Hughes died 1728. John Sharman 1727, rem. 1729. 500. 25.

Box Lane, near Hemel Hempstead. M. 10. 7. George Boyde died 1728. John Goodhall 1728.

Barnet. M. 5. Laing rem. Thomas Ray rem. 1726. Jeremiah Owen 1727. 60. 6.

Theobalds, in Cheshunt. Christopher Carlisle. 300. 22.

Sawbridgeworth. Sir Strange Joscelin's. William Bishop died 1717. Joseph Stokes 1718, rem. to Woolwich 1728. 130. 19.

Bendish. Josiah Thorogood.

Baptist Chapels : St. Albans, Wheatampstead and Tittenhanger, Ware, Watford, Marlow near Hemel Hempstead, Tring, Market Street, near Burkhamptstead, Bedenham, Pond and Coney Street, Curicoot, Bushland and Brafain, Barnet, Waltham Abbey new meeting 1729.

Quaker's Meetings : Hertford, Hempstead, St. Albans, Watford, Rickmansworth, Hitchen, Baldock, Cottrell, Ware, Hunsdon, Hodgdon, 900, 400. Churchmen influenced in elections by the Quakers 80.

Account by Mr Smart, of Watford.

### HUNTINGDONSHIRE.

*St. Ives*, M. 5. 4. Michael Harrison died 1726-7. 500. 40.  
Branton, near Huntingdon. Lecture. 6. disc. Mason Bradshaw I.  
J. Harrison, of St. Ives. P.

Baptist Chapel : Kimbolton.

### KENT.

Canterbury. C. George Hughes died 1719. Henry Dell 1720, [united with Independents 1726].

Rochester. C. 7. James Allen. Robert James.

*Chatham*, near Rochester. B. Haycock [rem]. Simpson.

MAIDSTONE. B. John Darrant. Luke Langdon rem 1717. William Jacomb 1719, conformed 1725. Benjamin Milles 1726. [Trin. Secession].

*Dover* B. John Billingsley. 300. 25. 45.

*Sandwich* B. 5. 4. John Benson, with Independents. 500. 41. 86.

Dartford. M. 10. disc. Thomas Andrews died 1726.

*Deale*. M. 5 disc. Henry Fowle ejected, died 1719-20. William Fisher rem. to Bristol 1720. P. F. John Evans 1723. [Always Congregational.]

*Graves End*. M. 10. 7. Thomas Jordan [rem]. Alexander Bertram. [rem]. Samuel Pike 1716 [rem]. George Farrell rem. 1727.

*Staplehurst* M. 8. 6. Edward Berne rem. to Hammersmith 1717. Bowdler 1718, rem. 1720. 350. 31. G. 10. Obadiah Hughes 1727 rem. John Hodge 1728.

*Ramsgate*, in the Isle of Thanet. 10. Ebenezer Bradshaw.

Town Mallng. M. 8. 10. disc. Alexander Bertram [rem.] Thomas Jordan died 1719. John Underhill rem. to Dunmow 1724.

Feversham. 6. 5. John Dale. 160. 18.

*Cranbrook*. M. Henry Dell rem. to Canterbury 1720. John Buckley 1721 rem. 1726. Warren 1727. 400. 27. G. 11. T. 22.

- ASHFORD. M.** 5. Thomas James rem. 1718. Joseph Davis [rem.]  
Cornelius Hancock 1725 rem 1728. Gellibrand 1728.
- TENTERDEN. M.** John Hammond. 300. 40. G. 20.
- Goudhurst.** 10. 7. Harrison [rem.] William Whitaker [rem.]  
Batten. 80. 5.
- Tunbridge Wells.** John Archer. [Presbyterian congregation extinct,  
chapel reopened by Independents.]
- Deptford.** John Beaumont P. Abraham Taylor I. 1728. Joseph Stokes  
1728.
- Woolwich. f.** Samuel Oldfield rem. to Ramsbury 1719. George Ja-  
comb [rem.] Emmanuel Elleker 1726, died 1727.  
near Eltham. Supplied by occasional help.

Baptist chapels: Canterbury 2, Chatham, Maidstone 2, Dover, Sandwich,  
Deal, Graves End, Isle of Thanet, Cranbrook, Ashford, Folkstone,  
Sandhurst near Cranbrook, Hawkhurst, Snearding, Sevenoak, Dept-  
ford.

## LANCASHIRE.

### MANCHESTER DISTRICT.

- MANCHESTER. M.** Eliezer Booth died 1717. Joseph Motterahead 1717.  
Joshua Jones 1725. Coll. 1515. 74. [Richly endowed].
- RATCHDALE. M.** 6. 5. Joseph Dawson. 442. 22.
- MONTON near Manchester.** Jeremiah Aldred died 1729. 612. 29.
- STAND, between Manchester and Bury.** 6. 5. Joseph Heywood  
338. 31.
- BLACKLEY near Manchester.** 4. 5. John Heywood. 224. 12.
- NEWTON or FAILSWORTH.** 5. 4. William Perkins. Henry Knight.  
375. 23.
- GORTON, near Manchester.** 5. 4. Nehemiah Reyner. 250. 23.
- PLAT, near Manchester.** 5. 4. John Whittaker. 257. 29.
- Greenacres.** 5. 4. Benjamin Denton. 215. 36.
- Whitworth.** 6. Joseph Whitworth rem. to Oswestry 1718. Radcliff  
Scholefield rem. to Ringhay Chapel, Cheshire, 1727. 284. 5.  
Totals 4508. 284.

### WARRINGTON DISTRICT.

- WARRINGTON. M. F.** Charles Owen, DD. 713. 82.
- LIVERPOOLE B.** Richard Holt died 1717. Henry Winder 1718.
- DITTO.** Christopher Basnet. Brickhill 1729.  
Together 1158. 83. 155.
- ORMSKIRK. M.** 5. Alexander Wright. 286. 24.
- St. Hellen's, near Prescott.** Joseph Gellibrand. 697. 54.
- TOXTURTH PARK, near Liverpool.** John Kenion. 249. 24.



KNOWSLEY, near Prescott. 5. 4. Benjamin Mather. 180. 19.  
*Rainsford*, near Prescott. 6. 5. Renald Tetlow. 665. 63.  
 Ashton or Parklane, near Wigan. 6. 5. Thomas Blinston. Timothy  
 Gardner. John Brownlow. 341. 24.  
**Risley**, near Warrington. 6. Thomas Risley, Ejected, died 1716.  
 251. 16  
 LITTLE LEE or GATAKER. 4. Joseph Lawton. 317. 14.

## BOLTON DISTRICT.

BOLTON. Samuel Bourne died 1718. Peter Withington 1720. Thomas  
 Dickson 1722, died 1729. 1094. 70.  
**Tunley**. Henry Winder rem. to Liverpool. Samuel Bourn, jun.  
 268. 29. [Given up by trustees to Kirkmen, under the advice of  
 the parson of the parish.]  
 RIVINGTON, near Chorley. 6. Ralph Ainsworth died 1716. John  
 Turner 1717 rem. to Northwich 1724. 395. 51.  
 Horwich Chappel. John Walker. 150.  
 CHOWBENT, near Hatherton. James Wood. 1064. 53.  
 Holcom, near Bury. 5. 4. Edward Rothwell. 570. 23.  
 COCKEY, near Bury. Siddon. 730. 44.  
*Tockholes*. 5. 4. Robert Waddington [rem.] Peter Valentine 1715.  
 James Towers. 265. 30.  
 HINDLEY. James Brownlow. 490. 33.  
 Wharton Hall. 4. Cheyney. Peter Valentine. 213. 6.  
 BURY. 4. Thomas Braddock.

## NORTHERN DISTRICT.

LANCASTER. B. 8. 6. James Grimshaw rem. 1724. John Bent.  
 260. 21. 36.  
 PRESTON. B. John Parr died 1716. John Turner 1716. 150.  
 [This entry is all struck through, (evidently not by the person who  
 wrote it), except the entry as to Mr Parr, which stands as if  
 connected with Lancaster.]  
 Camford and Tatham. 6. 4. James Crosland. Robert Hesketth,  
 138. 17.  
 Walton. 4. John Turner, same as above. John Pilkington.  
 286. 20.  
*Elnwick*. 6. 5. Robert Moss. 290. 26.  
*Forton* and Litham. May. 416. 50.  
 Bispham al Bishamfield. 3. 7. John Lomax. Thomas Cooper.  
 215. 45.  
 Chippen and Holland in Yorkshire. Peter Walkden. 150.  
 Tower of Hawkshead. Gardener. 88. 18.

Houghton Tower. Benson. 180. [Long supported by the Houghtons Baronets].

Murrin in Field. 6. John Lomax.

Baptist Chapel, Low Hill, near Liverpool.

Account sent to Mr Tong.

[An account is then given of the manner in which magistrates were chosen in Lancaster, Preston, Liverpool, Wigan, Clithero and Newton, communicated by Mr Owen, of Warrington. This accounts for a column in original omitted here as to votes for magistrates.]

### LEICESTERSHIRE.

LEICESTER. B. Thomas Gee, P. died 1729. John Greene, I. rem. to Chelmsford [Presbyterians and Independents] meet in one meeting. 580. 114.

HINCKLEY. M. 6. disc. William Bilby rem. 1722. John Jennings died 1723. 480. 27.

Ashby de la Zouch. M. 5. 4. John Hartley died 1724. Nicholas Richards conformed 1729. Statham 1729. 200. 16.

Melton Mowbray. M. 5. 4. Vincent Carter. 50.

Fraby. Same minister. 90. Together 12 C.V.

Great Appleby. M. 8. 6. James Paul [rem.] John Harris [rem.] James Hancox [rem.] John Baddely. 70. 14.

Snareston. Same ministers.

Mount Soar Hill. M. Michael Matthews. James Watson rem. Coll. Abel Page. 280. 36.

Wanlip. Same ministers.

LOUGHBOROUGH. 2. 8. Mr John Vans died 1728-9. Samuel Statham rem. from Stamford 1729. 150. 12.

Sheepshead. Same ministers. 200. 18.

Castle Dunnington. M. 6 5. William Walton. 120. 16.

Narborough. 5. 4. John Brogden. 150.

Wigston, near Leicester. Same minister. 200. Together 40 C.V.

Reasby, near Mount Soar Hill. William Woodhouse. 40. 3.

Nether Broughton. f. Samuel Green. The same as at Moor Green, in Notts. 100. 7.

Temple Hall, near Bosworth. 5. Lemuel Latham. John Harris. 160. 16.

Stoke Golding. Thomas Davel. 110. 10.

Bardon, near Bosworth. Michael Matthews, of Mount Soar Hill, and James Watson, with other neighbouring ministers by turns, and at Wanlip.

Baptist Chapels at Sutton near Lutterworth, Arnsby or Ornsby near Lutterworth, and Mousley near Harborough, Wimeswold and Mount Soar Hill, Desford, Leicester and Earl Shilton, Far Langton near Hallaton, Summerby near Rutlandshire, and Twiford, Shiphead, and Remston, in Notts.

### LINCOLNSHIRE.

LINCOLN. C. 10. disc. Thomas Cooper died 1724. Joseph Capps 1724. 207. 16. E 1. G 5. Y 2. T 25. L 4.

Stamford. B. 6. 5. Edward Broadhurst [rem.] Tobias Wildbore [rem.] Samuel Statham rem. 1729. John Brickhell [rem.] 150. 13. G 5. T. 14. Rest Y. and F.

Boston. B. 5. 4. George Ault dead. Gilbert. 253. 33. G 16. Rest T. Y. and L.

Spalding. M. Once a fortnight. F. Whitworth [rem.] carried on by Mr Fleming. Jonah Mercer. 102. 3. G 3. Rest T. Y. and L.

KIRKSTED. John Taylor. 288. 1. Y 36. T 9. Rest F. L. &c.

Brigg and Titney. 5. John Roberts [rem.] George Walker 1725. 130. 11. Most T. and Y.

Poynton, or Bristhorp. 8. 6. John Fleming, gone Hathersall. 113. 11. G. 15, rest Y.T.L.

Holbeach. Once a fortnight with Spalding. 5. disc. Charles Higginson [rem.] Thomas Bott [rem.] Jonah Mercer. 153. 11. G. 7, rest Y. T. &c.

Sleeford. B. William Scoffin. 116. 12. G. 5, rest F. and Graziers.

Account by Mr Hardy, of Nottingham.

### MIDDLESEX.

[In the London list several ministers have C prefixed to their names ; they are all the first ministers mentioned in connection with their chapels. Among Independents Thomas Ridgley, Matthew Clark, John Foxon, John Nisbett, Daniel Neal, and Abraham Mulliner, are so marked, and Richard Allen among Baptists.

Several Presbyterian ministers are also distinguished by asterisks ; in case of two ministers colleagues it is placed between them, P. is also found after P. or I. following a minister's name, or particulars respecting him. There are a few instances of this in London, and one or two in the country.

There is no explanation of either mark.

In some instances it is said "church dissolved," a phrase borrowed from Independents, and applicable only to a recognized body, see p. 59].

## WITHIN THE WALLS OF THE CITY.

- St. Hellen's, Bishopgate Street. C. Benjamin Robinson died 1724.\* Herman Hood rem. 1721. Coll. Edward Godwin, 1721. [Extinct Orthodox about 1790].
- Crosby Square, Bishopgate Street. Benjamin Grosvenor.\* Clark Oldisworth died 1726. Coll. Edmund Calamy, jun., 1726. [Extinct Orthodox about 1769.]
- Crouched Friars. William Harris, D.D. John Billingsley died 1722. Coll. Samuel Harvey 1722 rem. to Sudbury, died 1729. Nathaniel Lardner 1729. [Extinct Socinian 1774.]
- Salters' Hall. C. William Tong died 1726-7, \*John Newman. Coll. Samuel Newman 1727. [Extinct orthodox after 1800.]
- Weighhouse, in East Cheap.* [rem. to Fish Street Hill.] Left the Presbyterian Fund 1728. Thomas Reinolda died 1727. James Wood 1721. James Reid [dismissed August 1720.]
- OLD JEWRY. Simon Brown rem. 1725. Joseph Bennet died 1725-6. Coll. Thomas Lievesly 1726. Samuel Chandler 1726. [Originally in Jewin Street, and afterwards removed back to it, but to another chapel].
- BLACK FRIARS. Samuel Wright, DD.\* Jeremiah Burroughs, coll. quitted ministry for his health 1718. Thomas Newman 1719, [rem. first to Carter Lane, and recently to Unity Church, Islington].
- Haberdashers' Hall.\* James Coningham died 1716. Joseph Hill 1718, died 1728-9. William Ford 1729. [Extinct orthodox 1739.]
- Silver Street. C. Jeremy Smith died 1723. Samuel Rosewell died 1722. Coll. Thomas Bures 1723. [Extinct orthodox about 1747.]
- Founders' Hall,** Robert Fleming died 1716. Andrew Low died 1715,16, coll. John Cumming, DD., 1716, died 1749, [rem. to London Wall. This congregation was always Scotch Presbyterian].
- Mugwell Street. Daniel Wilcox, n. [Extinct since 1816 Socinian].
- Imbroiderers' Hall, a New Meeting-house in Trinity Lane, 1720. [Great St. Thomas Apostle]. Benjamin Andrew Atkinson. John Sherman 1726, rem. to Warwick. [Extinct orthodox about 1748.]
- Baptist Chapels: Pinner's Hall, rem. 1721 to Devonshire Square; Cripplegate; Tallow Chandlers' Hall; Turners' Hall.

## WITHOUT THE WALLS AND WITHIN THE LIBERTIES OF THE CITY.

- Hand Alley, Daniel Williams, DD. [died 1716]. John Evans, coll. James Read, 1720. 1000. 35. Liverymen 52. Bart. 1. worth £10,000 and upwards 8, men of substance 43. Inferior T. 98. [rem. to Petty France, New Bond Street, extinct Socinian 1780.]

Gravel Lane, near Houndsditch. Samuel Pomfret died 1721. Caleb Pomfret died 1721, coll. William Hocker 1720. Joseph Denham 1722. [rem. to Great Alie Street, Goodman's Fields, extinct].

Bartholomew Close. Thomas Freke died 1716. Benjamin Avery quitted ministry 1720, coll. John Munkley 1716. [Extinct Socinian 1753.]

Leather Lane, near Hatton Garden. C. Christopher Taylor died 1723. \*Joshua Bayes 1723. John Cornish died 1727. Thomas Baies 1728. 400. 5. 11. [Extinct Socinian 1812.]

Redcross Street. Thomas Powel, P., died 1716. n. Jenkin Lewis, I., 1717, rem. 1728. Samuel the Potter, [Samuel Stockwell,] I., 1728. [Extinct orthodox about 1760. This was an Independent congregation from the first].

Baptist Chapels : Devonshire Square Bishopgate Street, White's Alley in Little Moorfields, Paul's Alley in Redcross Street, Glasshouse Yard in Aldersgate Street, Dunning's Alley in Bishopgate Street.

#### WITHIN THE BILLS OF MORTALITY.

LONG DITCH, near the Abbey, Westminster. \*Edmund Calamy, D.D., [the congregation rem. to Stamford Street on the chapel being taken down for city improvements].

Drury Lane, Westminster. \*Jabez Earle, D.D.

New Court, by Lincoln's Inn Fields. James Wood P. n. rem. to Eastcheap 1727. Thomas Bradbury I. Peter Bradbury I. Coll. 1728.

**Swallow Street**, Piccadilly. James Anderson. [This congregation was always Scotch Presbyterian].

St. Martin's Lane, Westminster. Patrick Russel n.

Maiden Lane, near Great Russell Street, in St. Giles's. Thomas Colton, church dissolved 1727.

Rosemary Lane, in Goodman's Fields. Samuel Evans 1718. Isaac Bates 1718, quitted 1721, [Quere church dissolved.]

Broad Street, Wapping. William Bush.

Queen Street, by Ratcliff Cross. John Mottershead died 1728. Caleb Norris rem. 1720. Coll. Benjamin Hollis 1724. Jeremiah Tidcomb, 1729.

Bethnal Green. William Chapman. 200.

Hackney. John Barker, [now St. Thomas's Square].

DITTO. George Smith 1716. Daniel Mayo rem. to London 1723. [This congregation built the old Gravel Pit Meeting-house, but have removed and sold it to an Independent congregation.]

NEWINGTON GREEN. Richard Biscoe conformed 1727. Paterson. 1728-9.

*Stoke Newington.* Martin Tomkins [dismissed]. John Eaton 1719.  
*Hoxton.* Isaac Bates. n.

**Baptist Chapels:** Artillery Lane, Angel Alley in Whitechapel, Mill Yard in Goodman's Fields (Saturdays), Virginia Street near the Hermitage, Broad Street, Wapping, Limehouse, High Hall in Cow Lane near Smithfield, Little Wild Street near Lincoln's Inn Fields, Swallow Street Piccadily (dissolved), Hall Street St. John's Court, Covent Garden.

**SOUTHWARK, [TRANSPosed HITHER FROM SURREY.]**

*Deadman's Place.* C. Joshua Oldfield, D.D. died 1729. Obadiah Hughes, D.D. 1720, [afterwards Maid Lane, extinct Socinian 1775].  
*Gravel Lane.* Zephaniah Marriott, D.D. [previously in Zoar Street, since rem. to Union Street, and last to Bickenham Square.]  
*St. THOMAS'S.* John Sheffield died 1725-6. Henry Read, 1723. Joshua Bayes rem. 800. 14. 50. Most T. [Rem. to Stamford Street].  
*Parish Street, in Horsleydown.* James Galloway resigned 1728. Panton.  
*St. [King] John's Court Yard, near St. Mary Magdalen's.* Isaac Mauduit died 1718. James Matthews 1718-9, died 1729. [Extinct orthodox about 1755.]  
*Rotherhith.* John Ratcliff died 1727-8. Thomas Mole. [Extinct before 1760 heterodox.]

**Baptist Chapels:** Back Street in Horsleydown, near St. George's Church, Flower de Luce Court, in Tooley Street, Fair Street in Horsleydown, Queen Street in the Park. A new meeting-house (a separation from Back Street).

**MIDDLESEX Continued.**

**BEYOND THE BILLS OF MORTALITY.**

*Brentford M.* John Walker died 1725. Joseph Baker. Coll.  
*Uxbridge M.* James Watson died 1725. Thomas Mole 1725, rem. to Rotherhithe 1728. Cornelius Hancock 1728.  
*Staines. M. 10. 7.* Robert Chantry.  
*Hammer-smith.* Samuel Evans rem. Edward Berne 1717, rem. 1727. Milner 1728.  
*Enfield. M.* John Bradley died 1726. William Bush 1727.  
*Edmonton.* William Hocker rem. to London 1720. Robert Franks 1720, died 1724. Samuel Savage 1725.  
**Hampstead.** Zechariah Merrell.  
*Highgate.* Thomas Sleigh. [Presbyterian congregation extinct, the chapel purchased by Independents].

Baptist Chapel, Brentford.

### MONMOUTHSHIRE.

Cromindee, denomination not specified, f. 6.

Baptist Chapels: Usk and Llangwm, Aberystruth, Mynyddislwy, Llanwenarth near Abergavenny, Castle Town, Argods, in the parish of Bedwelt.

### NORFOLK.

NORWICH. C. Peter Finch. Josiah Chorley died 1720, coll. John Brooks 1718.

LYNN REGIS. B. 10. 7. John Rastrick died 1727. William Rastrick. Colkirk near Fakenham. 6. disc. Samuel Choyce.

FILBY. 8. 6. Richard Chorley [rem.] Joseph Dawson.

Gestwick. George Mills.

South Reppes. Boardman.

Long Stratton. 5. Robert Chaplin.

HAPTON. Richly endowed.

Baptists at Norwich 2, and Yarmouth.

### NORTHAMPTONSHIRE.

*Daventry.* M. 8. 6. Edmund Jelley rem. Daniel Mattock 1721. 300. 27.

*Wellingborough.* 8. 6. John King. 600. 55.

*Welford.* John Norria 430. 60.

*Long Buckby.* 6. 5. Thomas Cartwright. 360. 60.

*Creation*, between Northampton and Naseby. 7. 5. Abraham Chambers. 360. 38.

*Potters Pury*, near Stony Stratford. 8. 6. William Bushnell rem. to Andover 1729. 500. 20. [Congregational from the first].

Yelvertoft, a Lecture. 3. Norris.

Baptist Chapels: Kettering, Northampton, (2, one Ant.) Bifield and Chipping Warden, Wooden Weston and Bradwin, (5 last with Banbury and Horly in Oxon, make one church General Baptist), Slapton and Eshcott, (both mixt as to baptism), Rode P., Yardley, with Stoney Stratford and Thorp in Bucks, Wilton Stairton and Braunston, Raunston, East Hadden and Long Buckby, (General), Waldgrave, Scaldwell, Bricksworth and Spratton, Isham and Harringworth, Flowre, St. James's End in Dallington and Dunston parish, Naseby, Clipstone, (Ant.) Waldgrave, Branfield in the Green, Woolaston and Rudder, Rinsted, Polesborough and Eye.

From a letter from Mr Jennings of Kibworth, to Mr Clark.

## NORTHUMBERLAND.

**NEWCASTLE-UPON-TYNE.** B. Benjamin Bennet died 1726-7. Nathaniel Fancourt rem. to Salisbury. Coll. 700.

**Ditto.** John Lowe rem. 800.

**Ditto.** William Holbrock. 200.

**Ditto.** William Arthur. 200.

100 freeholders in all.

**Morpeth.** B. and Newbiggin F. John Horsley [the author of *Britannia Romana*.] 200. 10.

**Hexham.** M. Ralph Lasenby rem. 200. 27. 3 or 4 of good estates.

**Alnwick.** M. Jonathan Harle, M.D. 400. 30.

**Wooler.** M. James Baine died 1721. Edward Atkins. 300. 6.

**Framlington.** Thomas Lake.

**Birdorp Craig,** al Birdhop Craig, 10 miles west of Ellesden al Catchike al Reddesdale. f. Joseph Tait [rem]. John Chesholme. 300. 24. G. 1.

Little Harle, or **Bavington**, between Ellesden and Hexham. Roger Stoddard [rem]. John Bosier. 300. 12.

**Etal**, near Berwick. Aaron Wood. 500. 10. G. of good estate 2. Many substantial F.

North Tyne. John Dean. 200. 14.

**North Sheals**, near Newcastle. John Turnbull died 1723. Cowden. 300. 8. 1 Justice, 5 or 6 of good estates, raised 100 men in the late rebellion.

**Swarland.** Archibald, chaplain to Mr Haslerig. 150. 2.

**Rively.** Timothy Puncheon died 1717. 300. 6. Minister £100 per annum, two of his hearers £400 per annum, the rest F. and L. This entry is struck through.

**Barmoor.** Edward Arthur. 400. 8. Many substantial F., but none of an estate above £60 per annum.

**Coquet Water.** James Bell. 250. 3.

**Belsay.** Comberbatch Leech, Chaplain to Sir John Middleton. 300. 13.

**Branton**, near Newcastle, once a fortnight. Thomas Willis. 100. 3.

**Woodside.** Nicholas Storey. 130.

**Aslington and Cowpan**, fortnightly. 40. 1.

N.B.—In the above account no allowance is made for persons absent, who would make a quarter part more. In the Northern congregations, where all that are capable of examination submit to it, the members that appear upon their lists are double the numbers of those present.



No voters are mentioned but such as could then be actually remembered, many are forgotten.

Many have double votes, [i. e. for two counties.]

Account received from Mr Nesbitt.

### NOTTINGHAMSHIRE

- NOTTINGHAM. B. John Whitlock. John Hardy conformed 1727. coll. Obadiah Hughes 1728. 1400. 335. E 4. widows of such 7. G 64., most of the rest T. and their apprentices, many servants, some L.
- Retford. B. and Kneesall. 4. 6. Kirkby Wilson. 116. 9., most Y., some few L.
- MANSFIELD. M. 4. Isaac Thompson. 352. 6. G 18. T 30. Y 10. some few L.
- Sandeacre. 5. Joseph Bird.
- Kilton and Wallingwell. John Button. 79. 8. E 1. E's widow 1. G 2. Y and F 16. L 9.
- Nether Langworth, near Bolsover. Jonathan Butler. 40. 3. G 2. the rest Y. and F.
- Widmerpoole. John Hardy, and others occasionally. 210. 42. G 12. most of the rest Y. and F.
- Moor Green.* 6. 5. Samuel Green, same as at Broughton, Leicestershire. 300. 3. G 5., the rest T. and F. &c.
- Willoughby. 6. disc. James Watson. 130. 15. G 4., most of the rest Y. and F.
- Coleorton. Once in three weeks, supplied by Messrs. Whitlock, Hardy, Alwood, and Ogle Radford. 251. 18. E's lady 1. widow lady 1. G. 11., the rest mostly Y. and F.
- Leek, occasionally. John Whitlock. Richard Bateson, I. John Hardy, &c. 113. 21. G 4., most of the rest Y. and F.
- Normanton. John Whitlock and others occasionally. 114. 7. G 5. the rest mostly Y. and F.
- Bledworth. Isaac Thompson and James Huthwait of Alfreton, Derbyshire. 111. 7. G 5. the rest most Y. and F.
- Selston. 6. John Holland, sen. 200. 7. G 6., the rest Y. T. and F.
- Baptist Chapel at Nottingham.

Taken from Letter of Mr Hardy to Mr Robinson, 1717.

### OXFORDSHIRE

- Oxford. C. William Roby. 10. 21. 150. 4. G. 1., the rest T. [The Baptists have this chapel].

BANBURY. B. Stephen Davies. 600. 70. G. 35., the rest T. and F.  
 Chipping Norton. M. 5. 10. John Thorley. 250. 22. G. 5., the rest T. and L.  
 Bicester. 7. John Troughton. 350. 26. Dissenters the most substantial persons of the town.  
 Thame. 8. 6. Matthew Leeson. 150. 9. G. 8., the rest T. F. and L.  
 Witney. 6. disc. Samuel Mather. 450. 30. G. 30., rest T. F. and L.  
 Bloxholm and Milton. 5. Andrew Durel dead. James Hancox. 1726. 500. 20. G. 20., the rest T. F. and L.  
 Coomb. 6. Henry Saunders. 150. 6. Some G., the rest T. F. and L.

Baptist Chapels at Horley, Burford, Oxford, a lecture supplied by Mr Fuller, of Abingdon, and Mr Collet, of Cole, Witney, Coat, and Hook Norton.

Account by Mr Barrington.

#### RUTLANDSHIRE.

Okeham M. 10. 6. Robert Ekins Ejected, died 1716. Jacob Floyd died 1727. John Halford. 110. 9. G. 2. Y. 6. T. 17.  
 Uppingham. M. and Luftenham. 6. 5. John Pyott [rem]. Joseph Franca. 256. 17. G. 19. Y. 9. T. 36. L. 28.

Baptist Chapels: Oakham, Uppingham, Bramston, and Empringham.

Account by Mr Hardy.

#### SALOP.

SALOP, or SHREWSBURY. John Reynolds, rem. 1718. John Gyles, M.D. Coll. Charles Berry 1718. 440. 47. 49. G. 4. T. and F. 62.  
 Bridgnorth. 10. 5. Samuel Taylor rem. Fowler Walker rem. to Abergavenny 1724. John Fleming. 120. 9. 26. G. 5. F. 9. T. 28.  
 Oswestry. M. 6. 5. Leoline Edwards rem. to Painswick. Joshua Jones [rem]. Joseph Whitworth 1718-9. Joseph Venables. 120. 12. G. 1.  
 Wem. M. 5. 4. Fisher [rem]. Thomas Holland. 180. 25. T. 24. F. 14. Y. 10.  
 Whitchurch. M. David Beynon died 1725. Culcheth. 300. 30. G. 6. T. 30. F. 44. Y. 20. Independent Secession founded chapel.

Newport. M. 5. 4. Peter Seddon rem. to Hereford. John King.  
65. 6. Y. 4. T. 8.

Clebury. M. John Perkins, Sparry, &c.

Gnoshal. A lecture 2. Paul Russell.

Horton. A lecture monthly, 6 disc., chiefly Mr Seddon.

Wellington. Lecture monthly. 4 disc., chiefly by Mr Seddon. 42.  
3. T. 6. Y. 2.

Bragginton, near Leighton. Monthly lecture. 4 disc., chiefly by  
Seddon. 74. 3. Y. 2. T. 6. F. 8.

OLDBURY. 6 disc., supplied by ministers of Warwickshire. 400. 20.  
G. 3. F. 6. mostly Y.

Shiffnal. A lecture. 36. 6. G. 2. T. 4.

Baptist Chapels at Salop and Bridgnorth.

From Mr Reynolds, of Shrewsbury.

#### SOMERSETSHIRE.

BRISTOL. C. Michael Pope died 1718. Samuel Bury, coll. John  
Diaper. 1600.

Ditto. John Catcott died 1720. Strickland Gough, dec. coll. Walter  
Furze, 1718, rem. to Exeter 1719. William Fisher 1721. Rainer  
1722. 500.

Some dissenters of the first congregation have been Sheriffs of the City,  
and put themselves out of the Council because of the Occasional  
Act. Several other persons of condition; divers very rich, many  
more very substantial, few poor. The whole congregation computed  
worth near £400,000.

Divers of the second congregation rich, and a considerable number sub-  
stantial. The whole congregation computed worth between £60,000  
and £70,000.

Total for 5 congregations, 2 Presbyterian, 1 Independent, and 2 Bap-  
tist 4,300 hearers, worth £270,000; [this sum seems to refer to  
the Ind. and Bap. congregations], voters for Bristol 700 or  
upwards, for Gloucestershire 72 or upwards. Low Church can  
hardly make up 30; voters for Somersetshire 50 or upwards, Low  
Church not near the number.

N.B. That besides the number of about 700 voters or upwards for  
Bristol, many of these by their estates and interest in trade can make  
many hundred more votes upon an election in Bristol, Gloucester-  
shire, Somersetshire, Monmouthshire, Herefordshire, Wales, the  
Cities of Gloucester and Hereford, the town of Monmouth, &c.

N.B. There is also in Bristol a large body of Quakers, who are generally

- well affected to the present government, and large traders and very rich. Their number may be supposed about 2,000 and upwards, and their wealth not less than £500,000.
- The strength of all the Dissenters in Bristol may justly be reckoned much more than that of all the Low Church party there.
- BATH. C.** 10. 7. Henry Chandler died 1719. Bennet Stevenson 1719. 300.
- Taunton. B.** Edmund Batson. 2000.
- BRIDGWATER. B.** John Moore, sen. died 1717. 600.
- Minehead. B.** Samuel Rabjent [rem]. Arthur Towel 1725, died 1729-200. 6. 75. [Extinct about 1763. W.W.]
- Ilchester. B.** 10. disc. By four ministers. 50.
- Milburn Port.** 6. 7. John Sprint, sen., died 1717. John Sprint, jun. 1718. Elwes 1726 [rem]. John Biraham. 300.
- Philips Norton. M.** 350.
- Wellington. M.** Humphrey Bury. 400.
- Frome M.** John Bowden. 1000. Independent chapel founded by Trinitarian Secession.
- SHIPTON MALLETT. M.** Benjamin Ayerigg [rem]. Matthew Toogood 1716. 700.
- YEOVIL, or Evil. M.** Theophilus Lobb rem to Witham. 600.
- Stokegomer. 7.** [Stogumber] M. Nathaniel Leveridge [rem]. Baldwin Deacon. 170. 3.
- Langport. M.** 6. 5. Malachi Blake [rem]. James Strong. Pitt Coll. 50.
- Dulverton. 10. 6. 7.** James Cornish. 160. 5. [At one time Arian W.W.]
- Wivelcomb. 10. 5. 7.** John Short. 250. 11.
- Glastonbury. 6. 5.** Benjamin Ayerigg rem. John England rem. to Sherburn.
- Chard. M.** Aason Pitts. 550.
- ILMISTER. M.** Nicholas Marshall. 300.
- CRUKERNE, or Crokethorn. M.** Robert Knight. 250.
- South Petherton. M.** Samuel Bulstrode. 450.
- Wrington. M.** 6. 5. John Milner and others. Samuel Baker rem. Wynne rem. 1729. 133.
- Wincanton. John Pierce.** 350.
- Pitminster, near Taunton.** Stephen James died 1724. 250.
- Beckington, near Philips Norton. 8. 7.** Jeremiah Tidcomb [rem]. Daniel Mace rem. to Newbury 1727. John Bale 1728. 250.
- ASHWICK, near Shipton Mallett. 8. 6.** Nicholas Billingsley. 360.
- Truder Hill, near Frome. 8. 6.** Richard Jones [rem]. Nehemiah Toogood.
- Bishop's Hill, near Taunton. 4.** Henry Grove. James Strong [rem]. coll. William Cornish. 200.

- Westhatch. The same ministers. 100.  
 Stoke Gursej, aud *Stowley al Stowney*, in Callington Hundred. 8. 6.  
 Baldwin Deacon. John Moore, jun. 100.  
 Compton, near Yeovil.  
 Martock, near South Petherton. Hallett. 400.  
 Stoke Underham and Yeovil. 5. disc. Parsons.  
 Coleford, near Philip's Norton. 5. Richard White rem. 1720. Samuel  
 Billingsaley rem. to Marlborough. Matthew Huddy rem. 1728. 550.  
 Glasshouse, near Pensford. William Turton.  
 Charlton St. Adams, near Ilchester. John Bushrod [rem.]  
 Watts [rem.] 60.  
 Northcurry. 5. George Lissant.  
 Wicklane and Voscutt. 5. James Green [rem.] Benjamin Mills [rem.]  
 Thomas Standard [rem.] Robert Whitear [rem.] Luke Filmore. 70.  
 Wokey, near Wells, and Wells City. 6. 5. John Moore, jun., (see  
 Stoke Gursej) Herbert Stogden 1718, died 1727.  
 Galhampton, al Gallington. Joseph Littlejohn. 250.  
 Temple Coomb. 6. John Sprint, jun, rem. to Milburn Port 1718.  
 Collins. 300.  
 Swill. Arthur Towell [rem.] 100.  
 Adgborough. James Watts. 60.  
 Gregory Stoka. Baker. 60.  
 Wensham. 200.  
 Lambrook. John Marshal. 150.  
 Bromfield. 40.  
 Burrow, near South Petherton. John Budd.  
 Croyden. Philip Darel.  
 Cupola, near Bristol. Benjamin Mills rem. to Maidstone 1726.  
 Catcot rem. to Ockingham 1729.  
 Baptist Chapels at Bristol 2, Taunton, Bridgwater, Axbridge, Frome  
 2, Chard, Dunster, Minthead, Weantage, Ilmister, Stokegomer.

## SOUTHAMPTON COUNTY.

- Winchester. C. Edward Pain. 330. 24.  
 PORTSMOUTH. B. Simon Brown rem. to London 1716. John Norman  
 800.  
 Andover. B. 10. 7. Jacob Ball. 300. G. 6.  
 Limington. B. George Farell rem. to Alton 1721. 234. Con-  
 tributors 139, poor 95.  
 NEWPORT, in the Isle of Wight. B. Joshua Read rem. to Whitchurch  
 1721. Steven Toogood 1721. 300. 22. Wealthy 6, middling 106.  
 Petersfield. B. 7. William Henry rem. to Christ Church 1729.

- Fordingbridge*. M. William Henry rem. 552. 32. Substantial 60, middle rank 59, rest poor.
- Havant*. M. John Bouchier rem. 1719. Loveder. 200.
- Odiham*. M. 8. 5. Cornelius Hancock. rem. in 1721. John Williams 141. 10. Substantial 13, middling 13, mean 15.
- Alton*. M. 6. Edmund Taylor rem. George Farrell 1721, rem. to London 1723. Merriman Norris rem. 1728. 220. 20. Substantial 39, middling 22, mean 21.
- Romsey*. M. f. Phineas Wadsworth. 423. 29. G. 16. T. 88, the rest Y. and persons of mean condition.
- Kingsclear*. M. 6. disc. John Hammet quitted the ministry 1719. 60.
- RINGWOOD*. M. James Whittaker. 500. 50. 1 G. of £3000 per annum,  $\frac{1}{3}$  substantial,  $\frac{1}{3}$  middling,  $\frac{1}{3}$  mean.
- Crundal*, near Farnham. 8. 6. Thomas Cowhill. Vulgo Crockett.
- Baptist Chapels at Southampton, Portsmouth, Limington, Ringwood, Broughton and Wallop, Rumsey, Fareham (fortnightly), Nately, near Basingtoke, Gosport, Fordingbridge, Blackwater, and unnamed place in the Isle of Wight.
- Quakers : Rumsey, Ringwood, Gosport, Fordingbridge, Odiham, Alton, Isle of Wight, Southampton.
- No professed Papist in the Isle of Wight.

Account received from Mr Jeremiah Smith.

#### STAFFORDSHIRE.

- Lichfield*. C. and Long [Longden]. 6. 7. Robert Travers. 280. 60.
- Stafford**. B. Samuel Harrops. 350. 30. 45.
- NEWCASTLE-UNDER-LINE*. 8. Samuel Lawrence rem. to Newcastle-on-Tyne 1728. 300. 50.
- TAMWORTH*. B. 10. 7. Jonah Malchin. 80. 18.
- Burton-upon-Trent*. M. Robert Murray. 400. 41.
- Uttoxeter*. M. 10. 7. Daniel Maddocks. 200. 23.
- Wolverhampton*. 6. 5. John Stubs. 400. 39.
- Stone*. M. 8. John King rem. Thomas Haines rem. to Namptwich 1728. 150. 29.
- WALSALL*. 6. 8. John Godby. 400. 29.
- OLDBURY*. 6. 5. Turton. Edward Broadhurst. Coll. [Birmingham].
- Leek*. 11. 7. Josiah Hargrave [rem]. Hugh Worthington 1728. 250. 42.
- PENSNET or CRADLEY*. 6. 5. Josiah Bassett. 400. 25.
- West Bromwich*. 5. 7. Daniel Greenwood, see Birmingham. Richard Witton, 1721. 350. 30.

COSELEY, fortnightly. 6. 5. Paul Russell, an itinerant. George Doughty. 400. 45.

Baptist Chapels: Delves, near Wassell, [Walsall], and Widgeley [Wedgebury].

Constant meetings supplied by itinerants in Compton, Kinfare, Wombourne, Pattingham, Sarden, Tipton, Kingswinford, Foxoak, Burslem, Bilston, Ford-bacon house. 600. 80.

Account from Mr Bailey, received by Mr Nisbet.

### SUFFOLK.

IPSWICH, B. Samuel Baxter. William Shephard 1720, died 1724. Samuel Say 1724. 800.

Sudbury. B. Josias Maultby, P., went to Rotterdam 1719. John Foster, I., 1721, died. John Ford 1729, from Wisbeach. 400.

ST. EDMUND'S BURY. B. Samuel Bury rem. to Bristol 1720. Samuel Savage rem. to London 1718. Wright rem. to London 1724. 700.

Clara. M. 6. 5. William Cook died 1718. Robert Franks 1719, rem. to Edmonton 1720. Robert Wilson. 400.

Nayland. M. 5. Henry Hurst. 450.

Hadleigh. M. 9. 7. John Darby. 250.

Framlingham. M. Samuel Lodge died. Richard Chorley. 300.

Haveril and Wenden. M. Thomas Green. 250.

Lestof. M. Samuel Say rem. to Ipswich 1724. George Whitwick 1725. 300. 20.

Needham. M. 5. John Meadows. 300. [Extinct 1760, re-opened by Independents W.W.]

Debenham. M. Kervin Wright. 250.

Barefield. F. -Rice Williams. 200.

Walsham. Daniel Wright died 1729. 400. [Given up at Mr Wright's death].

Wrentham. Austin Plumstead. 350.

Long Melford, near Lavenham. 10. 7. William Teeton. 150.

Barton, near Mendlesham. 6 disc. Samuel Strawyer. 100.

Bergholt. Ralph Williamson. 150.

Milden Hall. Campion. 150.

Stow al Stone Market. 7. Samuel Choyce.

Ixworth. Lecture. 5. 4. Carried on by several.

Beldiston. (Lecture).

Hitcham. (Lecture).

Narton. Lecture. 4. By several.

Preaches occasionally, Thomas Wright of Ipswich, P.

## SURREY.

- Kingston-upon-Thames*. M. Daniel Mayo. George Smyth rem. Daniel Mayo, jun. [Became Independent 1775].
- Chertsey*. M. Jacob Kuffeler died 1723. John Benson 1724.
- Dorking*. M. Samuel Highmore rem. to Epsom 1718. Joseph Stokes 1718, rem. 1729. 200. [Arian for a time].
- Ryegate*. M. 5. 4. Ralph Arnold. 50.
- Farnham*. M. 5. 4. Jonathan Gyles died 1721. William Sheldon.
- Epsom*. 7. Thomas Valentine. George Anderson rem. Occasional. [Extinct by about 1772, chapel re-opened 1802].
- Tooting*, near Clapham. Francis Freeman, P., died 1725. Miles, I. 120, 7 persons of £500. 12.
- Horley*, beyond Ryegate. 5. Peter Lobb, I., died 1718. John Baldwin died 1727. Samuel Freeman 1728. P. 50.
- Mortlake*. Clark [rem.] William Jacomb rem. to Maidstone 1718-9. Samuel Highmore. 100. 3. Persons of £500, 8. [Extinct 1755, chapel sold, ultimately bought by Independents, 1836].
- Peckham*. George Davy rem. I. Samuel Chandler, 1716. P. rem. D. Dr. Thomas Hadfield 1727. [Heterodox for a time, and freehold purchased during that time.]
- Baptists at Guilford, Croydon, Farnham, Richmond, Frimley near Basingstoke.

## SUSSEX.

- CHICHESTER*. C. Robert Bagster. John Boucher. Coll. 550. 60. 6. 22 men and women, of from £300 to £400 per annum.
- HORSHAM*. B. 10. 7. Joseph Stokes rem. to Dorking. John Sherman 1718, rem. 1726. Peter Briscow. 120. 12. 8.
- LEWES*. B. Thomas Force. 170. 17. 12. G. 16. Y. 10. T. 19. L. 15. Byworth, near Petworth. 6. 5. John Buckley rem. to Kent 1720. Jeremiah Orden rem. 1726. 82. 7.
- Wirminghurst, near Steyning. Same ministers. 61. 4.
- BATTLE*. M. 5. 4. William Potter 1716. John Ashmore [rem]. John Smith. 120. 17.
- Brightelmston*. M. John Duke. 560. 22. G. 30. Y. 2., masters of ships 14. T. 32. Sailors 52. L. 13.
- Worth, near East Grimstead. 6. 7. Benjamin Chandler. Joseph Chandler.
- Mayfield, in Romney Rape. 10 disc. John Sammon 100. 7. United to Tramfield.
- Tramfield. 6. 5. disc. John Hammond rem. Downhall 1727. 200. 21. £5 allowed between this place and Mayfield.



*Burwash*, near Kent. 6. 8. Edward Dear. 90. 7.  
 New Shoram. B. Thomas Frost. 60. 8. 18. G. 4. Y. 1. Capt. 1.  
 T. 11. L. 3.  
 Glinley, near Helsham. John Smith rem. 110. 12.  
 Linfield. Thomas Frost. 110. 11. G. 7. Y. 12. T. 11. L. 16.  
 Ditto. Joseph Stedman conf. 1717.  
 Carton Corner, near Hellingley. Thomas Heys. 30. 4.  
 Michellan, Alrison, and Hellingley. 5. Samuel Park 1727, rem. to  
 Wallingford 1728.

Baptist Chapels, Chichester 2 (G. and P.), Steyning and Horsham,  
 Lewes, Linfield, Warbelton, Wadhurst.

Furnished by Mr Bagster, of Chichester, to Mr Robinson.

#### WARWICKSHIRE.

COVENTRY. C. Joshua Merrill died 1716. John Warren. Rogerson  
 rem. John Partington.

WARWICK. B. Jos. Carpenter.

*Stratford-upon-Avon*. M. John Letherland P. died 1723. John  
 Alexander I.

Nuneaton. M. 9. 7. John Burman.

BIRMINGHAM, vulgo Bromicham. M. William Turton died 1716.  
 Daniel Greenwood, see West Bromwich. Edward Broadhurst.  
 [The chapel sold to Romanists under an order of Chancery, and  
 new chapel built in Broad Street, called the Church of the  
 Messiah: the first order of the kind was obtained in the case of  
 Hanover Square Chapel, Newcastle-upon-Tyne].

DITTO. Thomas Pickard.

ATHERSTONE. 10. 7. Christopher Smalley rem. John Reynolds.

AULCESTER, vulgo Auster. M. Joseph Porter died 1721. Rogerson  
 1723.

*Kennelworth*. 8. 6. Samuel Turton died 1728. John Bassett.

Blew Lake. 5. 4. John Teirells.

*Shelton*. 6. 5. Richard Carver.

Sutton Coldfield. 4. 5. Per several.

Baptist Chapels : Coventry (2), Warwick, Aulcester, Henley.

#### WESTMORELAND.

KENDAL. M. Caleb Rotherham 1716. 205. 15. G. 10. the rest  
 Y. and T. [This chapel has an endowment of £200 a year].

Croch, alias Croke, near Kendal. 6. 5. Samuel Bourne rem. to Tunley, Lancashire, 1719. Henry Knight rem. 1719. Abraham Ainsworth. 130. 1.

Russendale, alias Ravingstondale, near Kirkby Steven. 10. disc. James Malleon 1716 [rem].

Account sent by Mr Dickson, of Whitehaven, to Dr. Calamy.

### WILTSHIRE.

*New Sarum, or Salisbury.* C. Sloau died 1761. Nathaniel Fancourt 1719 died 1731. Samuel Fancourt. 500. 18. G. worth £500, at least 10.

Devizes. B. Nathaniel Chauncy. 400. 25.

Marlborough. B. Samuel Billingsley 1725. With Independents. 340. 35. M. 1. G. 6. T. 39. inferior T. 20.

Wilton. B. 10. 7. Matthew Toogood rem. to Shipton Mallet 1716. Samuel Fancourt rem. to Sarum 1721. Edmund Jelly.

Oaloe. B. 5. 4. John Melhuish. 250. 13. 3. Worth £500. each 5.

Chippenharn. B. 5. 4. Lawrence Maes. 250. 15. 18. Worth at least £500. 7.

Malmesbury. B. 6. 5. Moses Price. 160. 12. Worth at least £500. 3.

Westbury. B. John Buckler [rem] Samuel Clifford rem. Rossiter dead. Taylor. 800. 10. 33 worth £500.

WARMINSTER. M. Samuel Bates. 800. 20. Of estates sufficient for justices 4. The total value £90,000.

Trowbridge. M. 5. William Dangerfield rem. John Graham. 200. 7. Worth £500 at least, 7.

BRADFORD. 6. Thomas Barker rem. 1729. 400. 28. Worth at least £500. 20.

East Knoyl, or Knahil, near Hindon and Chapmanslade. 10. 7. Samuel Clifford died 1726. Abraham Clifford. 380. 4. Worth at least £500, 5.

*Kingswood*, Gloucestershire, near Wotton Underedge. 5. 6.

Simmonds [rem]. Richard Addy 1716, rem. to Gloucester 1729. 300.

Aubury, near Marlborough. 4. 5. John Bale rem. 1728. Joshua Griffith. 130. 4. E. 1. F. 3.

Ramsbury, near Marlborough and Albance Baydon. 10. 7. Samuel Cox rem. Samuel Oldfield 1719. 160. 16. G. 3. Y. 3. F. 9. T. 21.

Fiddan Upton and *Horningham* are mentioned without any particulars.

Lavington. 100. 4. A monthly lecture by Mr Buckler and Mr Bates.

Seend. 52. 2. A monthly lecture by Mr Chauncy.

Mere. 6. 5. John Pibree.

Hatabury. Joseph Burd.

Baptist congregations at New Sarum (2), Devizes, Trowbridge, Bradford, Bradley, Leigh, and Melksham.

Quakers : 22 stated meetings, attendants 6000.

This account was sent by Mr N. Chauncy to Mr Jeremiah Smith, in 1717.

Mr C. stated that the accounts for Devizes, Chippenham, Calne, Aubury, Lavington, and Seend, were collected by himself, and might be depended upon.

## WORCESTERSHIRE.

Worcester. C. Chewing Blakemore. John Stokes 1720. Hand died 1719. [See p. 61.]

Evesham. B. 6. 5. Daniel Higgs died 1728. Blackmore 1728. 200.

Bewdley. B. Edward Ousland. Job Barret. 300.

Bromsgrove. M. James Thompson died 1729. [Arian for a time].

Kidderminster. M. John Spilsbury died 1721. Bradshaw 1727. 27 C.V. [The heterodox party seceded. See pp. 41, 191].

Dudley. M. 8. 6. Joseph Stokes.

Sturbridge. M. George Flower. [A new chapel was afterwards built on a new site by Trinitarians, and the old chapel was afterwards occupied by Independents, but they left it for a new one].

Kingswood, in the Parish of King's Norton. 4. By several, especially by Wotton.

Baptist Chapels : Worcester, Bewdley, Pershore, Bromsgrove, Upton-upon-Severn, Netherton near Dudley, Inkborough and Bengeworth fortnightly.

## YORKSHIRE.

### WEST RIDING.

York. C. Thomas Colton, M.D. John Hotham. Coll.

Knaresborough. B. Ralph Hill rem. Carus Thompson. 60.

Leeds. M. William Pendlebury died 1729. 600.

Sheffield. M. John Wadsworth. Timothy Jolly 1163. 75. [First marked I, and in Mr Jolly's time it certainly was so].

Halifax. M. f. Nathaniel Priestley. 600. 16.

Wakefield. M. Isaac Hawkins died 1724. 400. 40.

SELBY. M. John Travers.

DONCASTER. M. Samuel Crompton. 60.

Barnsley. M. Thorp. Elkanah Berry. 60.

Greenhill, near Rippon. John Towers. 100

*Mixenden*, near Halifax. Matthew Smith. 500. 10.

*North Ooram*, near Halifax f. Thomas Dickenson. 500. 10.

Attercliff, near Sheffield. Samuel Blythe. 250.

Bull House, near Peniston. Daniel Denton. 200.

*Pudsey*, near Bradforth. Samuel Hollings died 1725. 250. 21.

*Bingley*, near Bradforth. Thomas Wainman. 250. 17.

Eland, near Huthersfield. f. Jeremiah Banstow. 240. 6.

Bradford Dale. f. Samuel Hulme.

Winterburn, between Settle and Skipton. f. Robert Hesketh.

Swarsdale. f. John Taylor.

Fishlake, near Doncaster. John Pigot.

*Horton*, near *Bradford*. Eli Dawson. 500. 40.

Worsley, near Halifax. f. Isaac Wilkinson. 300. 4.

*Eastwood*. f. Joshua Cordingley. 150. 7.

*Morley*, near Leeds. Timothy Alred. 450. [This chapel was at one time in Arian hands.]

Hepton and Holmfrith. John Dobson. 605.

*Clack Heaton*. Patrick Richmond. 150. 16.

Long Houghton, near Barnesley.

Tadcaster and Clifford. Jos. Astley. 30.

Idle. John Buck. 80.

Rawthmell, near Settle. James Towers. 40.

*Newton in Bolland*, the borders of Lancashire.

Light Cliff. Jonathan Wright. 40.

Osset. Samuel Hanson. Joshua Dobson. Coll.

Rotheram, built 1719.

#### EAST RIDING.

Kingston-upon-Hull. John Wilter. Robert Dawson. Coll. 500  
8. 50. [This chapel has an endowment of upwards of £400 a year,  
and was orthodox late in the last century. One minister made the  
change, first drove the congregation away, and then preached  
heterodoxy. The number of attendants is now very small.]

Burlington or Bridlington. 1. John Benson.

*Swanland*, near Hull. Joshua Hardcastle. 450 20.

*Cottingham*, near Hull. Abraham Dawson. 350. 20.

Garsdale, near Sedburgh. f. Murray.

Dewsberry. f.

*South Cave*, near the Humber, between Hull and Howden.

*Howden*. M. f. Mallescriff. 100.

*Ottringham*, near Patrington. Rock. 50.

#### NORTH RIDING AND RICHMONDSHIRE.

WHITBY. M. f. Isaac Thompson rem. John Reddie died 1728.

MALTON. B. f. Henry Gilbert.

*Scarborough*. f. William Hannay rem. 2. [260.] 60. 18.

Swaledale. Burgess.

Ellenthorp, near Burrow Bridge. James Taylor. 80.

Ayton, near Cleaveland. Seaton. 60.

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#### WALES.

The account for Wales has been corrected as to the spelling from Dr. Thos. Rees's transcript as printed in his *History of Nonconformity in Wales*.

#### BRECKNOCKSHIRE.

Dyffryn Honddu. John Davies. 150. Several C.V.

#### CARDIGANSHIRE.

Kilcam Rhydglyn, and Trelwyn. 6. John Davel. Thomas Brynon died 1728.

#### CAERMARTHENSHIRE.

CAERMARTHEN. 6. 7. William Evans, scholar died 1717-8. Thomas Bowen. John Pugh. Parrot 1720.

Bwlch, near Merthyr. Thomas Bowen. John Pugh. With Caermarthen 600. 17.

Henllan am goed. John Pugh. 600. 17.

Rock Chappel, in Trelech and Conwel. Lewis Richards. 150. 7.

Pencadair and Rhyd-y-bont. James Lewis. David Jones. 450. 17.

Panteg Llanegwad, Waungaled. 6. Christmas Samuel. 400. 11.

*Mynydd Bach*. William Davies. 400. 10.

Llanedy, Crugybar and Congymaen. David Penry. Owen Hughes. David Jenking. 600. 30.

Capel Sion and Llettyhawddgar. Christodocius Lewis rem. to Radnorshire. Samuel Jones. 500. 10.

Glymefael, in the parish of Cilycwm. Christmas Samuel. David Jones. John Harries. 300. few V.

Llanybree. Thomas Morris. 400. 6.

Cefnarthren. Roger Williams. 250. 20.

## DENBIGHSHIRE.

*Denbigh.* B. Thomas Baddy, scholar, died 1729. 50 or 60. 8. 12.  
 one worth between £4,000 and £500, 3 worth £500 each, rest T.  
 and F., no beggars.  
*Wrexham.* 6. 5. John Kenrick, scholar. 230. 29. T. 20.

## FLINTSHIRE.

*Newmarket.* 8. 6. Richard Humphreys, scholar, conf. 1718. Jonathan  
 Davies rem. William Williams rem. to Stroud 1728. Jenkyn  
 Lewis. 20 or 30. 1.

## GLAMORGANSHIRE.

*Cardiff.* B. 8. 6. Rice Pruthero, scholar.

## MERIONETH.

Bronycladwr, Dolgelly and Bala. 5. 4. Edward Kenrick. 150. 12.  
 1 E.

## MONTGOMERYSHIRE.

In and about Newtown. Peter Siddon rem. David Richards. 120.  
 4. G 2.

## PEMBROKESHIRE.

New Chappel, Newport and Trewen. 6. Thoms Beynon. 500. 2.

## RADNORSHIRE.

Maes Gwyn, Knighton, and Reans, lectures. 6. Haley rem.  
 Philips rem. Waller rem. Vavassor Griffith.  
 300. several C.V.

Account given by Lewis Lloyd to Mr Barrington.

## INDEPENDENTS.

[For an explanation of the figures and single letters see pp. 649 and 650].

## BEDFORDSHIRE.

Bedford. B. Ebenezer Chandler. 1200. 100.  
 Biggleswade. M. [This seems also entered as a Baptist chapel].

## BERKSHIRE.

Reading. B. George Burnet 1716.

Newbury. Benjamin Merriman. 400. 28. G 3. T 40.  
 Beechhill. Peregrine Phillips. 160. 6. G 4., the rest F. and T.

### BUCKINGHAMSHIRE

Chesham. William King.

### CAMBRIDGESHIRE

Cambridge. B. Joseph Hussey rem. to London 1719. James Throgmorton rem. to Ailesbury 1728. 1100. 70. [The Presbyterian chapel seems wrongly at p. 652, as being in the possession of the Independents].

Willingham and Cottenham. Griffith Rudd. 500. 48.

Linton. M. Thomas Wait rem. to Rumford 1729. 350. 10.

Wisbeach. M. Ishmael Burrows rem. to London 1724.

Soham. George Doughty, lay preacher. 200. 13.

Gamgee, or Gamlingay. Richard Freeman. 250.

Melbourn. John Nichols. 400. 20.

Burwell and Catling. Thomas Royston. 320. 14.

Croydon. Richard Condor. 120. 6.

Guy Horn. David Calye. 100. 5.

Croxton. Richard Dix. 80. 3.

Sutton, in the Isle of Ely. I. and A.

### CHESHIRE

[No Independent congregation in Cheshire is returned, but see the History of Nonconformity in that county passion].

### CORNWALL

Loo. f. John Marrian.

### CUMBERLAND

Cockermouth f. John Atkinson. 424. 42.

### DERBYSHIRE

Chesterfield. Thomas Ellisham died 1722.

Glapwell, near Chesterfield. Ogle Radford. 200.

### DEVONSHIRE

Exeter. C. Deliverance Larkham died 1723. 400.

Plymouth. B. Nathaniel Harding. Henry Brett. Henry Moore. 760.

Barnstaple. B. William Peard rem. Powell dead. Thomas Bishop. 550.

Bideford. M. Jacob Bailyes [rem.] Coppleston. William Bartlet  
 dec. Peter Jellard. 750.  
 Axminster. M. Stephen Toogood rem. to Newport. 500. 20.  
 Holsworthy. M. 6. 5. Benjamin Flavel. 120. 10.

## DORSETSHIRE.

Bridport, vulgo Burport. B. Baker.  
 Wareham. B. William Clarke died 1722, and William Sedgley 1724.  
 [This was the chapel referred to at p. 194].

## ESSEX.

Colchester. B. John Gledhill died 1727. Robert Wright rem. to Bury  
 1718. John Collins 1727. 600.  
 Chelmsford. M. Richard Larnier rem. 1718. 300. 19. E 1. G 6.  
 Ditto. Nathan Hickford. 700. 33. G. 18.  
 Rumford. M. f. Peter Goodwin rem. to Yarmouth 1719. Joseph King  
 rem. 1729, died same year. Thomas Wait 1729. 250. 3.  
 Dunmow. M. f. Thomas Doughty rem. 1724. John Underhill 1725.  
 400. 58.  
 Saffron Walden. M. f. William Paine. 300. 30.  
 Coggeshall. M. Edward Bentley. 700. 43. G 19.  
 Halstead. M. William Holman. 500. 39.  
 Thaxted. f. William Noltcott rem. to Ipswich. 500. 20. G 4.  
 Witham. M. f. Isaac Watson dec. Theophilus Lobb 1722. 320.  
 23. G 6.  
 Bocking, near Braintree. Thomas Shepherd. 800 110. G 34.  
 Stanstead Montfitchet, near Thaxted. f. Philip Burgess. 350. 32.  
 Wendon, near Saffron Walden and Clavering. Thomas Sewell.  
 700. 34.  
 Kelden. f. Lecture, carried on by several.

## GLOUCESTERSHIRE.

Gloucester. C. John Alexander. Thomas Cole 1718. 250. 30.  
 Stroud Walter. f. Richard Rawlins, sen, died 1725. Atky rem.  
 1727. William Williams 1728 rem. to Brecknockshire 1729.  
 500. 6.  
 Camlden. M. f. Samuel Knight died 1725. Rice Price rem. from  
 Denbighshire dec. 200. 20.  
 Nailsworth. Rawlins, jun., dec. Joseph Allein rem. George  
 Fownes 1716 died 1719. Jeremiah Jones 1720, died 1724. Joshua  
 Jones 1724 rem. to Manchester 1725. John Allein 1726. 450.  
 20.  
 Bibury, near Fairford. Humphries. 40.



## HEREFORDSHIRE.

No Independent Chapel is entered as existing in this county.

## HERTFORDSHIRE.

Hertford. B. John Guyse rem. to London 1727. John Saunders 1727.  
500. 40. 105.

Royston. M. f. William Bedford. 300. 24.

Hitching. M. John Hoskins. Brown 1716. 500. 50.

Carbuckle Street, in Cheshunt. John Oakes rem. 1728. Caleb Wroe  
died 1728. Warkman 1728. 300. 26.

Bishop's Stortford. M. Richard Rawlings. 600. 40.

## HUNTINGDONSHIRE.

St. Neots. William Bennett dec. Joseph Sheldon. 300. 21.

Spaldwick, near Wabridge Forest. f. John Mason died 1722-3.

Ramsey. 6. 5. John Sheldon [rem.] John Pyott 1722. 200. 20.

Perry. f. A lecture, by several.

## KENT.

Canterbury. C. f. Samuel Hebden rem. 1723.

The Presbyterians joined this congregation 1726.

Sandwich. B. John Frencham. With Presbyterians 500. 41. 86.

## LANCASHIRE.

## BOLTON DISTRICT.

Darwen, near Blackburn. George Griffith. 648. 25.

Turton or Walmsley. 4. 5. 520. 30. James Milne.

## NORTHERN DISTRICT.

Tottlebank and Broughton. f. Thomas Richardson. 200. 10.

Sparth, near Clitheroe and Weymond. John Jolly. 364. 66.

## LEICESTERSHIRE.

Leicester. B. John Green rem. to Chelmsford, the congregation afterwards united with the Presbyterians. With them 580. 114.

Lutterworth. M. Peter Dowley. 460. 69.

Harborough and Ashby, North Hants. David Lowe. Jeremiah Jones  
rem. to Nailsworth 1719. 630. 103. John Arthur rem. to  
Waltham Abbey 1729.

Kibworth, near Lutterworth, with Glen and Langton. f. John Jennings rem. to Hinckley. Philip Doddridge. 320. 41.

Loughborough. M., with Rempston. Thomas Matthews. William  
Christian. 160. 10.

## LINCOLNSHIRE.

Gainsborough.

## MIDDLESEX.

## WITHIN THE WALLS OF LONDON CITY.

- St. Mary Axe. Isaac Watts, D.D. Samuel Price, Coll. [Extinct orthodox during the present century].
- Lime Street. Robert Bragg and Philip Gibbs, Coll. [The lease of the chapel expired, part of the church members removed to Artillery Street, but the church itself to Camomile Street, and thence to the Poultry.]
- Three Cranes Court in Thames Street. C. Thomas Ridgley. [Samuel] Parsons 1726. Extinct orthodox 1798.
- Miles Lane. C. Matthew Clarke. Timothy Jolly 1720. [Extinct orthodox 1715].
- Pinners' Hall. Jeremiah Hunt, D.D. [Extinct Socinian 1779].
- Girdlers' Hall. C. John Foxon died 1723. Henry Francis rem. to Southampton. David Jennings [rem.] Robert Wright 1724. [Removed to Haberdasher's Hall].
- Afternoon. John Guyse 1727, rem. to Petty France. Robert Fracle dead.
- Curriers' Hall, near Cripplegate. Joseph Jacob. n. [This congregation might be considered to form a denomination of itself.]
- Great Eastcheap. John Short died 1716-7. Church dissolved.
- Petty France, New Bond Street, new meeting. John Guyse 1728. William Guyse.

## WITHIN THE LIBERTIES OF LONDON.

- New Street, by Fetter Lane. Thomas Bradbury. Peter Bradbury dismissed 1728. Coll. Thomas Tingey 1728-9, died 1729. [There was a division, and Mr Bradbury considered that the church followed him to New Court].
- Hare Court. C. John Nesbitt died 1727. John Conder. Coll. John Harrison 1724. [Now removed to Canonbury].
- Jewin Street. C. Daniel Neale. [Extinct orthodox after removal to Silver Street.]
- Little Moor Fields. Richard Taylor died 1717. Thomas Hall 1719. [Removed first to the Pavement, and on the chapel there being taken down to Southgate Road.]
- Ropemakers' Alley, Little Moor Fields. John Asty. [Removed to Aldermanbury Postern.]
- Prince's Street, Upper Moor Fields. George Sendell died 1715-6. George Davis 1716. [Extinct orthodox].

## WITHIN THE BILLS OF MORTALITY.

New Court, by Lincoln's Inn Fields. James Wood, left them and went to Eastcheap [Weighhouse] 1727. P. Thomas Bradbury. I. Peter Bradbury 1728. I. Two last coll.

Mill Yard, Goodman's Fields. Samuel Harris. n. John Shuttlewood rem. Coll. Jenkin Lewis 1728.

Wapping New Stairs. Thomas Simmons died 1717-8. David Jennings 1718. Gordon.

Nightingale Lane, near the Tower. Thomas Lloyd died 1721. John Mitchell 1720.

Stepney. Thomas Mitchell died 1721. Arthur Shallett left off preaching 1719. John Hubbard.

Petticoat Lane. [John] Humphries, n., died 1719. [last surviving ejected minister.] Joseph Hussey 1720, died 1726. Richard Payne. [Extinct.]

## BEYOND THE BILLS OF MORTALITY.

Pinner. Stephen Crisp died 1729.

Kensington, a new meeting. [Samuel] Sanderson.

## SOUTHWARK (transferred from Surrey.)

Deadman's Place. John Killinghall. [Extinct orthodox 1740, when Dr. Marryatt's congregation removed to the chapel from Zoar Street].

Dockhead. John Sladen. [Removed to Back Street].

The Point, Meeting-house Alley, Queen Street, Lower Rotherhithe. f. Thomas Masters. [Extinct. The only minister not strictly orthodox was Edward Sandercock].

## MONMOUTHSHIRE.

Abergavenny. Thomas Cole rem. to Gloucester 1718. 280. 13. 23. 1 E. 16 G. 7 Y. 63 T. 1 F. 7 L.

St. Brides and Newport. David Williams. 236. 2. 3. 9. 6 G. 16 Y. 28 T. 19 F. 30 L.

Penmain. David Williams, (different from the former). 250. 22. 4 G. 38 Y. 5 T. 8. F. 35 L.

Llandegreth. Same minister. 100. 14. 25. 2 G. 12 Y. 5 T. 7 F. 14 L.

Park, in the Parish of Cwmyorg. James Watkins, residing at Brecon. 120. 8., and eight votes for Herefordshire.

Trosnant, in the Parish of Trevethin. Jeremiah Edmunds. 90. 3. 1. 6 Y. 10 T. 8 F. 18 L.

NOTE. The list for this County is altogether taken from Dr. Thomas Rees, who omitted some particulars. The third figure states the number of votes for "the borough," whatever that may mean.

Llanvrechva. Same minister. 55. 3. 4 Y. 6 T. 4 T. 12 L.  
 Goitre, near Usk. 120. 13. 15. 5. G. 10 Y. 12 T. 20 F. 15. L.  
 Glyn Ebbw, in the Parish of Aberystwith. 60. 10. 2. 10 Y. 6 T.  
 8 F. 12 L.  
 Cromin dee. Rice Davis.

## NORFOLK.

Norwich. C. George Smith.  
 Ditto. Thomas Scott.  
 Yarmouth. B. John Brooks rem. to Norwich 1718. Thomas Took  
 died 1724. Coll. Peter Goodwin from Rumford 1719. Richard  
 Frost 1729.  
 Wimondham, alias Windham. M. f. Nathaniel Hanby.  
 New Bucknam. M. f. Richard Lessingham.  
 Tunstead. f. Jonathan Milles.  
 Armingland. Abraham Coveney.  
 Bradfield. Thomas Jolly.  
 Denton. John Hurron rem. to London 1724.

## NORTHAMPTONSHIRE.

Northampton. B. Thomas Tingey rem. to London 1728-9. 900.  
 154.  
 Higham Ferrers, new meeting 1714. John Davies. 360. 17.  
 Rowell. M. Matthew Maurice. ant. 600. 76.  
 Kettering. M. f. Thomas Milway rem. to Ipswich 1721. Thomas  
 Saunders. 740. 20.  
 Ditto. John Wills. Ant. 250. 6.  
 Oundle. f. Joseph King dead. 300. 24.

## NORTHUMBERLAND.

Flowre, near Daventry. f. John Foster rem to Sudbury. 400. 34.  
 Ashby, (see Leicestershire). 400. 60.  
 Yardley. 7. John Drake.  
 Wellingborough. M. Robert Bateson. J. Ant. lay preacher. 200. 4.  
 Rasden, near Higham Ferrers. Daniel Heffer, lay preacher.  
 Newcastle-upon-Tyne. B. Thomas Baird, Ant. 100.  
 Berwick-upon-Tweed. B. John Turner. Foster. 800.  
 Ditto. John Somerville. 300.  
 Horsley, near Morpeth. f. Blunt. James Atkinson. coll. 250.  
 12.

## NOTTINGHAMSHIRE.

Nottingham. B. Richard Bateson. 468. 126. E 1. 1. G 21. T 56.  
 L. 11.

Sutton, near Mansfield. f John Allwood. 283. 1. G 9. T 53.  
Y 14. L 6.

Flintham, near Newark. Mr Bateson, of Nottingham, once in six  
weeks. 100. 16. G 8. the rest Y. and F.

#### OXFORDSHIRE.

Henley. M. Patterson died 1717. John Sells 1718, from Prince's  
Risborough. Between 400 and 500., several C.V. G 21. the rest  
T. F. and L.

#### SALOP.

Salop, or Shrewsbury. David Jones died 1718. John Allen rem. to  
Nailsworth 1725. 150. 12. 11. E 1.

#### SOMERSETSHIRE.

Bristol. Isaac Noble died 1727. John Alexander 1719, rem. to Strat-  
ford. Pitt 1725, rem. 1728. William Vaudrey 1728.

Brueton, near Chapmanslade. 5. Thomas Morgan rem. to Marlborough  
1715. Thomas Lowden rem. Samuel Baker rem. Richard Allett  
died 1718. Cotton, M.D. Several persons of condition, divers  
of them rich, many more very substantial, and very few of them  
poor, the whole congregation is reckoned worth £100,000.

#### SOUTHAMPTON COUNTY.

Southampton. B. William Bowler. Henry Francis 1726. With the  
Baptists 430. 73.

Andover. George Fownes rem. to Nailsworth 1716. Parsons  
rem. Benjamin Keen 1719, died 1721. Milner rem. to  
Hammersmith. William Bushnell 1729. 200. 25. Worth con-  
siderably about £500 4, middling persons 30, poor 20.

Whitchurch. B. Holmes rem. 1716. Predden f Joshua  
Read.

Christchurch. B. 5. John Smith. John Buckley 1726, rem. 1728.  
William Henry 1729. 400. 45. The congregation worth at  
least £8000.

Fareham. f. Samuel Barnard. Cornelius Hancock 1723, rem. 1725.  
200. 2 worth several thousands each, 12 worth £500, £700, and  
£1000 each.

Odiham. M. Stanshall. 70. 10. Substantial 39, middling 20,  
mean 21.

Tadley, near King's Clear. f. Ovey. 60.

Gosport. Samuel Clifford. 1000. 87.

Roslin and Yard, in the Isle of Wight. Thomas Brown. 90. 7.  
Wealthy 4, middling 21.

## STAFFORDSHIRE

No Independent chapel is entered.

## SUFFOLK.

Ipswich. B. Benjamin Glanfield dead. Thomas Milway 1721, died 1724. William Notcott. 800.  
Sudbury. B. Josiah Maultby went to Rotterdam 1719. John Foster 1721. John Ford from Wisbeach 1729.  
St. Edmundsbury. John Bert died 1716. John Saunders rem. 1727. Saville 1727, 8. Thomas Steward 1725.  
Beccles. M. Edmund Spencer. 350.  
Woodbridge. M. Henry Ward. 250.  
Bungay. M. Henry Robinson. 150.  
Lavenham, alias Laneham. M. f. Thomas Hall rem. to London 1719.  
Combea. f. Thomas Prince. 200.  
Palgrave. f. Henry Williamson.  
Swiftland. f. Samuel Wiltshire. 120.  
Bansfield Hall, near Newmarket. Richmond. 150.  
Sowold. Jenking Lewis rem. to London 1719. 400. 50.  
Wrentham. Samuel Wright. 400.  
Wickham Brook, near Woodbridge. 150.  
Aye. Thomas Wilks, of Walsham. 100.  
Arleston. Lecture monthly.

## SURREY.

Guildford. B. f. Roger Foster died 1721. John Pridden 1722.  
Croydon. M. f. John Davy. 300. 26. Persons of £500 15.  
Clapham. Moses Lowman. 350. 13. Persons of £500 47.  
Stanstead, alias Ockley. f. John Paget died 1723. 150.  
Godliman, or Godalman. M. A lecture, carried on by Mr Foster of Guildford.

## SUSSEX.

Chichester. C. John Heaton. 115.  
Lewes. B. Thomas Barnard dead. Joseph Beach. coll. John Olive. 425. 45. 42.  
Arundel. B. Benjamin Keen rem. to Andover. John Boucher 1719. 90. 10. 14.  
Midhurst. B. Same minister. 100. 16. 12.  
Rye. Merriman Norris. Button. 140. 15. 15.

## WARWICKSHIRE.

Coventry. Julius Saunders, jun. Simpson. 200.  
 Bedworth. Julius Saunders, sen.

## WESTMORELAND.

Stainton. f. John Atkinson. 130. 86. Most Y. or T. and L.  
 Russendale or Ravenstonedale. f. John Magee. 300. 3. G 4. most  
 tenants under Lord Wharton.

## WILTSHIRE.

Marlborough. B. Thomas Morgan. Holdsworth 1726. 340.  
 35. M 1. G 6. substantial T 35.  
 Upton Lovel. f. Christopher Stanstail.  
 Cosham Ridge or Corsham. f. Thomas Stanstail. 150. 5. Worth  
 at least £500, 3.

## WORCESTERSHIRE.

Westmencote, near Tewksbury. William Ferris. 40. 15.

## YORKSHIRE.

## WEST RIDING.

Pontefract. B. Sanford.  
 Leeds. M. William Moulst. 800. [This congregation is now Arian].  
 Rotherham. M. William Wilson. 100. [This congregation is now  
 Arian.]  
 Sheffield. M. John De la Rose. [A secession from the old chapel  
 on its becoming Arian].  
 Stannington, near Sheffield. Smith. 350. See page 193.  
 Heckmondwycke. f. John Kirkby. 350. 7.  
 Tingley or Top Cliff, near Leeds. f. John Ryley. 60.  
 Kipping. f. Samuel Hulme. 300. 17.

## EAST RIDING.

Kingston-upon-Hull. B. Thomas Fletcher.  
 Beverley. B. John Steer dead. John Gould 1716. John Author, each  
 pair coll. 450.

## NORTH RIDING AND RICHMONDSHIRE.

Malton. f. John Hoyle. 80.  
 Thirsk. B. f. Joseph Cullingworth. 60.  
 Pickering. M. f. George Walker. 70.  
 The chapels in Wales will be found in Dr. Rees's History.

Many chapels are entered as Presbyterian which had always been congregational, or were occupied by Independent congregations when the account was drawn up. When any doubt was felt to which body a chapel was intended to be assigned, it is here put in the Presbyterian list.

No enquiry has been made into the history of chapels out of London. The letter n. following a minister's name, left unexplained at p. 648, seems to denote his not having joined the Board of his denomination.

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### No. 3.

An Account of the Presbyterian and Independent ministers in London about the year 1730, by a gentleman who had removed thither from Northampton, from the copy of the original MS. given by the Rev. Samuel Palmer to Dr. Daniel Williams's library. See Bogue and Bennett III., 247, 327, 378, and Walter Wilson II., 348.

Having in the foregoing pages given a general account of the two denominations together, [i.e., of the chapels, with short remarks on their ministers], it may be proper now to give a view of them separately, and first to mention those of the Presbyterian denomination.

The ministers under No. 1 are deemed Calvinist, that is, such as agree with the Assembly's Catechism; No. 2 are accounted Arminians, or such as are far gone that way, by which are meant such as are against particular redemption and election, original sin, at least the imputation of it, for the power of man's will, in opposition to efficacious grace, and for justification by sincere obedience in the room of Christ's righteousness, &c. No. 3 are such as are of the middle way, partly Arminians and partly Calvinists, or that sometimes preach one doctrine and sometimes look towards the other. [The dates given are those of the ministers' settlements at the chapels named, and are taken from another table of the MS.; the ministers' christian names are added, and the situations of their chapels. The words within [ ] are from other notices of the ministers in the MS. The descriptions of ministers in No. 1 are of course favourable.]

### No. 1.

1710.	Dr. Zephaniah Marryat,	Zoar Street.
1700.	William Bush,	Broad Street, Wapping.
1702.	William Chapman,	Bethnal Green.
1716.	John Barker,	Hackney.
1729.	Philip Gibbs,	Ditto.
1700.	Isaac Bates,	Hoxton.
1730.	Thomas Allen,	New Broad Street.



1724.	Joshua Bayes, sen.,	Leather Lane.
1710.	Dr. James Anderson,	Swallow Street.
1714.	Patrick Russell,	St. Martin's Lane.
1706.	Dr. Jabez Earle,	Hanover Street, Drury Lane.
1730.	William Ford,	Haberdashers' Hall.
1708.	Daniel Willcocks,	Mugwell Street.
1723.	Richard Mayo,	Salters' Hall.
1723.	Thomas Bures,	Ditto.
1730.	Edward Godwin,	St. Helen's.
1693.	Dr. William Harris,	Crouched Friars.
1716.	John Newman, sen.,	Salters' Hall.
1727.	Samuel Newman, jun.,	Ditto.

## No. 2.

1724.	Henry Read,	St. Thomas's [sermons affectionate and awakening].
1728.	George Benson,	King John's Court, Southwark.
1728.	Jeremiah Titcomb,	Queen Street, by Ratcliff Cross.
1721.	Joseph Denham,	Gravel Lane.
1730.	Daniel Mayo,	Silver Street.
1729.	James Reed,	Hand Alley.
1722.	Thomas Newman, Clackbuyers,	Blackfriars.
1724.	Thomas Leavesly,	Old Jewry. [A friendly, good-natured man, and has an excellent gift in prayer.]
1730.	Samuel Chandler,	Ditto. [A minister of good parts and abilities, as well as pulpit talents, and for a treatise he wrote against deism, &c., he was much caressed by some of the Church of England clergy, and of whom it shall only be further said that the matter, as well as the manner of his sermons, is more suited to bring people to church than to make serious Christians, or to promote the Dissenting interest.]
1726.	Edmund Calamy, jun.	Crosby Square.
1728.	Thomas Mould,	Rotherhithe.
1723.	George Smith,	Hackney. [Accounted a serious preacher].
1728.	Thomas Bayes, (jun.)	Leather Lane.

## No. 3.

1726.	Dr. Obadiah Hughes,	Maid Lane.
1730.	Joseph Baker,	Brentford.
1729.	Patterson,	Newington Green. [It is apprehended he would be likely to follow [Mr Biscoe in conforming if he expected] the same success].

1715. John Munkley, Bartholomew Close.  
 1702. Dr. Edmund Calamy, Prince's Street, Westminster. [The doctor is a good preacher, but a zealous man for the Kirk, and would be more useful if more consistent. He is a great opposer of narrow souls, and wherever his diocese reaches he encourages persons of latitude enough, and were his scheme generally pursued the National Church would find greater multitudes of daily converts.]  
 1708. Dr. Samuel Wright, Blackfriars.  
 1703. Dr. Benjamin Grosvenor, Crosby Square. [Has been reckoned a polite practical preacher, with a good delivery and tuneable voice; it is not strange that he is popular.]  
 1729. Nathaniel Lardner, Crouched Friars.  
 1729. Edward Sandercock, Bartholomew Close.  
 1714. Benjamin Andrew Atkinson, Great St. Thomas Apostle.  
 1729. Robert Whitear, Prince's Street, Westminster.  
 1729. Dr. William Wishart, London Wall.

The six lecturers at Salters' Hall are: Mr Bayes, Dr. Grosvenor, Dr. Harris, Dr. Wright, Mr Newman, Dr. Earle.

It may be here observed that this denomination makes annual collections in divers of their congregations for the assistance of country ministers which, with what is collected at the Tuesday's lectures at Salters' Hall, may amount to upwards of £2000 per annum. This is put into a common stock or fund, and such congregations as collect money appoint their minister and two of their own number, who meet their other brethren monthly, and then distribute by joint consent this noble charity, in such proportions as the objects that present [themselves] may call for, and their stock will admit; besides this, if any private gentleman annually contributes £10 or upwards towards this fund he is admitted a member, and allowed to vote in this distribution, what the several congregations may separately collect yearly is set down against the minister's name.

And before the consideration of this denomination is concluded, it cannot but be observed with concern that most of the young men that are trained up amongst them, and have of late years been called to the ministry, are inclined to the Arminian scheme, for which we are very much beholden to Taunton in the West; and it were to be wished we were furnished with none of that sort from the Peak in the North, a melancholy prospect to the rising generation, and we need not go back so far as the Restoration to show us the consequences of those principles, a little observation on our own times will sufficiently manifest their unhappy tendency; these circumstances well deserve the consideration of all serious Christians, and especially of ministers who have the

instruction of such young men under their care who are designed for the ministry. If ever there is any considerable usefulness expected from them, sure among other qualifications their heart ought to be seasoned with grace, and they be enabled to understand, as well as to defend, the foundation truths of Christianity, which were once delivered to the saints.

It may now be proper to proceed to give a general view of the Independent or Congregational interest. This denomination have also annual collections for country ministers in divers of their churches, with which what is collected at the Tuesday's lecture at Pinners' Hall, may amount to upwards of £1700 per annum, as appears by the following particulars. This fund is managed in the same manner as the former, only no gentlemen are admitted in the distribution of this charity, but such as are appointed by the churches where the collections are made. As these two denominations keep distinct funds, it is reasonable to suppose their brethren in the country [who] bear the same character are assisted by each, although in divers places ministers have relief from both funds.

As this generosity of the citizens towards the relief of their distressed brethren is a commendable work in itself, so it gives some hopes, notwithstanding our degeneracy, that God is not wholly withdrawn from us, and were our country brethren truly sensible of the labour that is taken to assist their ministers, as well as to train up young persons for that sacred employment, and what pains many parents take to impress upon the minds of their children a compassion towards them, and what encouragement they give them to be liberal betimes, certainly they would be provoked in a greater degree towards a public spirit amongst themselves.

The following is a list of their ministers who are all Calvinists.

1717.	David Jennings,	Wapping New Stairs.
1721.	John Hubbard,	Stepney.
1708.	Richard Payne,	Petticoat Lane.
1727.	John Guyse, sen ,	New Broad Street.
1728.	William Guyse, jun.,	Ditto.
1722.	Thomas Hall,	Little Moor Fields.
1730.	Peter Goodwin,	Ropemaker's Alley.
1706.	Daniel Neal,	Jewin Street.
1724.	John Hurrion,	Hare Court.
1710.	John Conder,	Ditto.
1729.	Richard Rawlin,	Fetter Lane.
1730.	John Farmer,	Ditto.
1708.	Thomas Bradbury,	New Court.
1731.	Jacob Fowler,	Ditto.

1693.	Robert Bragge,	Lime Street.
1700.	Dr. Thomas Ridgley,	Three Cranes' Court.
1727.	James Wood,	Weigh House and New Court.
	John Hurriion, jun.,	Three Cranes' Court.
1700.	Dr. Watts,	Bury Street, Mary Axe.
1714.	Samuel Price,	Ditto.
1730.	Samuel Sanderson,	Kensington.
1726.	Timothy Jollie, jun.,	Miles Lane.
1702.	John Killinghall,	Deadman's Place.
1711.	John Sladen,	Dockhead.
1731.	Thomas Tingey,	Rotherhithe.
1722.	John Mitchell,	Nightingale Lane.
1723.	Robert Wright,	Girdlers' Hall.
1703.	Dr. Jeremiah Hunt,	Pinners' Hall.

It is difficult to say what he is.

1731.	Mr Waite, Rumford,	} Are inclined to Antinomian- ism, and at present are not acknowledged by the other congregational churches.
1729.	William Bentley, Turners' Hall,	
1724.	James Stockell, Red Cross Street,	
	Mr Phillips, The Loggerheads, [a neighbourhood so called from an inn]. Does not deserve any particular remark.	

The following six ministers are the Tuesday's lecturers at Pinners' Hall :

Mr Bradbury.	Mr Hall.	Mr Goodwin.
John Guyse, DD.	Mr Hubbard.	Mr Rawlin.

By the foregoing account it appears that the dissenting ministers of the Independent denominations are almost to a man Calvinists, and on that account are the most united in judgment of any sect of Christians in the kingdom ; and were they but as much cemented in affection, and acted with greater concert to serve the real interests of Christianity, much greater services might be expected from them. Were some few of them masters of a little more temper, prudence, and charity, and others of a little more zeal, it would be a pleasing prospect ; but although a perfect harmony and union is perfectly desirable, yet at present it is a thing rather to be wished for than expected. As to the young men that are trained up to the ministry, or that are occasional preachers, they are all of the same stamp with the stated ministers, and in fact there is not a church of this denomination will encourage any others ; one congregation only excepted.

As in the foregoing relation it has been thought proper to consider the dissenting interest under the two denominations of Presbyterians and Independents, it may not be altogether foreign to the present design

just to hint what is meant by both, and then more largely consider wherein they differ in the order and management of their several churches.

Heretofore it was apprehended that the government of Presbyterian churches was lodged in the Pastor or ministers, to whom were joined lay elders, but their sentence was not determinate but that appeals might be made from them to presbyteries and synods, and even general assemblies, and this seems to be the present state of the church in Scotland.

The congregational church government is in ministers, deacons, and all the brethren, and every particular church finally determines everything relating thereto, not owning any synodical or foreign power whatever.

Now, as the modern Presbyterians disclaim their institution as above described, and will generally declare their assent to the congregational order, as here expressed, it may be enquired where then is the difference between them? and this will naturally lead to the consideration of the methods and customs used by both.

The Presbyterians always ordain their ministers by imposition of hands after a confession of faith is made by the party to be ordained; and sometimes ordain persons to the ministry before they are called to the pastoral charge; and frequently admit such ordained ministers occasionally to administer the Sacraments of Baptism and the Lord's Supper.

The Independents generally ordain their ministers by fasting and prayer, without laying on the hands of the Presbytery, believing that ceremony but of a temporary continuance, and standing on the same foundation as anointing the sick with oil, &c., and they never ordain any persons but when called to the pastoral office.

Many Presbyterians admit all contributors to the ministry, as well as members, to vote in the choice of a pastor or assistant.

The Independents admit only members, and those the brethren only, to vote in the choice of a pastor, &c.

The Presbyterian ministers are admitted to administer the Lord's Supper, where they are not pastors.

The Independents administer the Lord's Supper only where they are pastors.

Some Presbyterians admit persons into their communion by their ministers' sole authority, without acquainting the people with so much as their names, and others are proposed to the church immediately after administering the Lord's Supper, and are then told such persons will be admitted members the next day of breaking bread, if there be no objection against them, and accordingly are admitted without any further enquiry or report made concerning them.

The Independents, whenever a person is proposed to join in their communion, always appoint some of their members to enquire of their character, and if there be occasion to converse with them, and report to the church the account they have received of or from them. Besides, the person proposed gives an account of his faith or experience, which is communicated to the church; this is done in some few instances viva voce; more frequently by writing, which is read to the church by the pastor and the messengers of the church, as the effect of the conversation that has passed between them. If there is reason to apprehend what has been offered may be satisfactory to the church, then the question is put whether such person shall be admitted a member, which is determined by the brethren holding up their hands, or any other method that may express the consent of the church; upon this, the person to be admitted being present, the pastor declares the church's determination, and in its name promises to watch over them in the Lord. The person received likewise engages himself to walk in that church according to Christ's commandments and institutions, &c.

And here it may be remarked if the Independents in admitting persons into their communion would keep to their original established maxim of having satisfaction given to the church, without fixing on any one particular form, or making any human or unscriptural terms necessary, and could persuade the world that this is their custom, their churches would be more numerous, and their hands thereby greatly strengthened.

The Presbyterians when they assemble together to keep days of prayer, which but seldom happens, never do it as a church; but their doors are open to all comers, and ministers only are engaged to go before them, being afraid of encouraging the laity, lest the Lord's people should become prophets.

The Independents have weekly or monthly meetings, for the members of their churches only, the time of which is spent either by the pastor in opening a passage of Scripture, and by the deacons or other of the brethren in prayer, on which occasion anything that may regard the order and well-government of society is considered and determined.

The Presbyterians very rarely if ever as a church enquire into the conduct and behaviour of their members, and it is a thing almost as seldom that they discharge any of them either for heresy or disorderly walking, and if at any time anything of this kind is acted, it is done by the pastor only, or by the managers or committee, which are terms made use of in the rooms of deacons, and for want of proper discipline immoral persons are continued in their societies.

The Independents keep lists of their members with the places of their abode, which is often surveyed by the pastor and deacons, at least

should be, and if it is found that any person absent themselves from their places in the church, and especially from its communion, or there is otherwise reason to fear they do not walk as becomes their profession, they are at first privately admonished, and if that does not restrain them the case is laid before the church, who thereupon appoint messengers in its name to converse with such persons, and inform them of their neglects and wherein lies their duty, and if upon repeated admonitions such persons do not give the church satisfaction they are proceeded against, and withdrawn from, but such a determination is not entered into without showing the utmost compassion and tenderness, and with great deliberation.

To conclude the whole, it appears that the number of persons that call themselves Protestant dissenters of the two denominations, and that stately attend public worship, in 1731 varies but very little from what they were in 1695, but as the number of inhabitants in London is supposed to be considerably increased, and the dissenters not to have increased in a proper proportion, so far that interest may be said to have lost ground.

Having given in the foregoing the state of the Presbyterian, Baptist and Congregational churches, from 1695 to 1731, it is presumed it may not be unacceptable to have a short statement of the present state of the Baptists.

They have in the whole twenty-five churches or congregations, a list of which is here subjoined; there are two of them that observe the seventh day for their Sabbath, eight of them are called General Baptists, and fifteen Particular Baptists, each of the two last have a fund to assist their country brethren. The general fund rises principally from some gifts and legacies that have been made to them, and which is but small, the other fund arises partly from the interest of some large sums of money that have been left them, and partly by annual collections that are made in some of their congregations, which in the whole amount to £500 per annum.

Both ministers and people are much divided in their sentiments, though it may be allowed plunging under water has a cementing quality.

There are Arminians and Socinians, Calvinists and Antinomians, and Ranters and Libertines [among them]; they are many of them whimsical, giddy, and unstable; there is greater disposition to changes and divisions than amongst either of the before-mentioned denominations of Protestant dissenters; yet it must at the same time be acknowledged there are many serious Christians amongst them.

The sixteen congregations following are Particular Baptists; the first nine are much inclined to the Antinomian strain.

## CALVINISTS OR ANTINOMIANS.

Mr Holdridge, Angel Alley, Whitechapel.  
 Mr John Gill, Horsleydown, Southwark.  
 Mr Samuel Wilson, Goodman's Fields.  
 Late Wilson, Broad Street, Wapping.  
 Mr Rudd, Devonshire Square.  
 Mr Wilson, Westminster.  
 Mr Bruce, Newport Market.  
 Mr Brine, Cripplegate.  
 Mr Dew, Great Eastcheap.

## CALVINISTS.

Mr Harrington, near George's Church, Southwark.  
 Mr Waller, Mase Pond.  
 Mr Arnold, near the Maypole, Horslydown.  
 Mr Matthews, Cherry Gardens, ditto.  
 Late Richardson, Devonshire Squire.  
 Mr Rees, at Lime House.  
 Mr Gifford, Wild Street, Lincoln's Inn.

## SOCINIANS.

Mr Burroughs, }  
 Mr Foster, } Paul's Alley.  
 Mr Morris, Glasshouse Yard.

## ARMINIANS.

Mr Mulliner, jun., Park, Southwark.  
 Mr Ingram, ditto.  
 Mr Kimber, Spittlefields.  
 Mr Mulliner, sen., Moorfields.  
 Mr Smith, Covent Garden.  
 Mr Randall, Virginia Street, Wapping.

Mr Townsend, Cripplegate, 7th day Calvinist.  
 Mr Coverthwaite, Goodman's Fields, do. Arminian.

Mr Joshua Wilson says that "a large portion of the Presbyterian Fund has for many years past [1836] been distributed among Ministers reckoned Congregational, and known to be decidedly orthodox."

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## No. 4.

List of the Non-subscribers, Subscribers, Non-attendants, and Neutrals, at Salters' Hall, in 1719, on the reference to the London ministers of the case of Mr Pierce and Mr Hallett, and the Exeter congregations, taken from the copies of the Advices, with the addition of the situation of the ministers' meeting-houses (at that time), and their denominations, as far as they could be identified from the foregoing lists and Mr Walter Wilson's printed volumes. With this explanation it is trusted that these additions will be useful.

## NON-SUBSCRIBERS.

P. Joshua Oldfield, D.D.,	Maid Lane.
P. John Sheffield,	St. Thomas's, Southwark.
P. John Billingsley,	Crouched Friars.
P. William Harris,	Crouched Friars.
P. Simon Brown,	Old Jewry.
P. John Evans,	Hand Alley, New Broad Street.
P. John Hughes,	Ware.
P. Thomas Sleigh,	Highgate.
B. John Savage,	Millyard, Goodman's Fields.
P. Samuel Wright,	Blackfriars.
P. Benjamin Grosvenor,	Crosby Square.
P. John Ratcliff,	Jamaica Row, Rotherhithe.
P. Samuel Rosewell,	Silver Street.
G.B. Joseph Jenkins,	Park Meeting.
I. Moses Lowman,	Clapham.
G.B. Joseph Burroughs,	Paul's Alley, Barbican.
B. John Ingram [q. Benjamin	Hall Street, Covent Garden.]
P. Thomas Leavesley,	Little Baddow.
P. George Smith,	Gravel Pit, Hackney.
B. Lewis Douglas,	Virginia Street.
I. Jeremiah Hunt,	Pinner's Hall
P. Samuel Baker,	Afterwards at Parish Street.
P. Thomas Petken,	Afterwards at Great Marlow.
P. John Gale, P.D.	Paul's Alley.
G.B. Isaac Kimber,	Paul's Alley, Barbican.
P. Clerk Oldsworth,	Crosby Square.
P. Richard Rigby, M.D.,	Reading.
Thomas Kerby.	
P. Edward Bearne,	Hammersmith.
P. William Sheffield,	Windsor.
P. Samuel Chandler,	Peckham.
G.B. Nathaniel Hodges,	Spitalfields.

P. Robert Billio, Thomas Slater.	Afterwards conformed.
P. James Read,	Hand Alley.
P. Henry Read,	Ratcliff Cross.
P. William Hocker, jun.	
P. Richard Biscoe,	Newington Green, conformed shortly afterwards.
P. Joseph Bennett,	Old Jewry.
P. Benjamin Avery, DD.,	Bartholomew Close.
P. Joseph Baker,	Brentford.
P. Benjamin Andrew Atkinson,	Embroiderers' Hall, and afterwards Great St. Thomas Apostle.
P. Gabriel Barber,	Brentwood.
P. Nathaniel Lardner,	Afterwards at Crouched Friars.
P. William Jacomb,	Maidstone, afterwards conformed.
B. Samuel Savage [q. John	Mill Yard, Goodman's Fields.]
P. Samuel Highmore,	Mortlake.
I. Robert Lamb, [q. Thomas	Bow Lane.]
Amos Harrison,	Croydon.
P. John Bradley,	Enfield.
P. Samuel Clark,	St. Alban's or Beaconsfield q.
P. Daniel Burgess,	New Court.
P. John Cornish,	Leather Lane.
P. Thomas Newman,	Blackfriars.
Quintus Naylor,	Afterwards conformed.
P. John Sherman,	Great St. Thomas Apostle.
B. Richard Parkea,	White Street.
P. Samuel Oldfield,	Ramsbury, Wiltshire.
P. John Cambden,	Windsor,
P. Christopher Taylor,	Leather Lane.
G.B. Nathaniel Foxwell,	Fair Street.
I. John Conder,	Hare Court, said to have signed both advices.
I. Thomas Simmons,	Wapping.
I. David Jennings,	Ditto.
P. John Eaton,	Stoke Newington.
P. Obadiah Hughes,	Deadman's Place.
I. Andrew Shallet, [qy. Arthur	Stepney.]
Richard Tuddiman.	
P. E. Roscoe,	Wantage.
G.B. James Richardson,	Fair Street.
G.B. Matthew Randal,	Virginia Street, Wapping.
P. William Bush,	Broad Street, Wapping.
P. Thomas Colton,	St. Giles's.

These were the names subscribed to "Advices for Peace, &c., agreed to at Salters' Hall, March 10th, 1718-19, upon a general summons sent to the whole body." The letter accompanying (to Exeter) is dated March, 1718-19, and signed "Josh. Oldfield, Moderator, in the name and by the appointment of the others."

## SUBSCRIBERS.

William Lorimer, S. T. P.,	Hoxton Academy.
P. Jeremiah Smith,	Silver Street.
P. Samuel Pomfret,	Gravel Lane.
P. W. Tong,	Salters' Hall.
P. B. Robinson,	St. Helen's.
P. Thomas Reynolds,	Weighhouse.
I. Thomas Bradbury,	New Court.
P. Joseph Hill,	Haberdashers' Hall.
B. Thomas Harrison,	Wild Street, afterwards conformed.
P. Daniel Wilcox,	Mugwell Street.
P. John Newman,	Salters' Hall.
P. Jabez Earle,	Hanover Street.
I. Thomas Lloyd,	Nightingale Lane.
P. James Wood,	New Court.
I. George Davy,	Prince's Street, Upper Moorfields.
B. John Skepp,	Curriers' Hall.
I. John Sladen,	Dock Head, Southwark.
William Curtis	
P. James Matthews,	King John's Court, Bermondsey.
P. Zachariah Merrill,	Hampstead.
P. John Beaumont,	Deptford.
P. Francis Freeman,	Tooting.
P. David Rees,	Limehouse.
I. Thomas Mitchell,	Stepney.
I. John Nesbitt,	Hare Court.
I. Robert Bragg,	Lime Street.
I. Matthew Clarke,	Miles's Lane.
I. Thomas Ridgeley,	Three Cranes Court, Thames Street.
B. John Noble,	Great Eastcheap.
I. John Asty,	Ropemaker's Alley.
B. Edward Wallin,	Flower de Luce Court.
I. John Foxon,	Girdlers' Hall.
P. James Anderson,	Swallow Street.
P. John Cumming,	Founder's Hall.
I. John Killinghall,	Deadman's Place.
P. James Galloway,	Parish Street.

I. J. Lewis.	Redcross Street.
B. Thomas Dewhurst,	Turners' Hall.
P. Isaac Bates,	Rosemary Lane.
B. Mark Key,	Devonshire Square.
P. William Chapman,	Bethnall Green.
I. Samuel Harris,	Mill Yard, Goodman's Fields.
I. Thomas Masters,	The Point, Southwark.
B. Edward Ridgway [q. Thomas	Angel Alley, Whitechapel.]
B. Abraham Mulliner,	White's Alley, Moorfields.
P. William Hocker, sen.,	Edmonton.
P. Patrick Russell,*	Russell Street.
P. Daniel Mayo,*	Gravel Pit, Hackney.

\* These last two names are added on the authority of Walter Wilson.

#### PASTORS IN THE COUNTRY.

P. William Bushnell,	Potters' Pury, Northamptonshire.
I. Stephen Crisp,	Pinner, Middlesex.
I. Peter Goodwin,	Yarmouth.
I. George Burnett,	Reading.

#### PREACHERS ORDAINED OR LICENSED.

P. Harman Hood,	St. Helen's.
William McClatchey.	
I. Philip Gibbs,	Lime Street.
William Benson.	
B. John Toms,	Devonshire Square.
I. Peter Bradbury,	New Court.
I. Thomas Charlton,	Plasterers' Hall.
I. Henry Francis,	Girdlers' Hall.
I. Joseph Tate.	Girdlers' Hall [qy.]
Richard Glover.	
P. Emmanuel Ellerker,	Woolwich.

The above signed the advices "to several worthy gentlemen of Exon," who had applied for the same, the letter accompanying is dated April 7, 1719, and signed by ten brethren "in the name of the rest."

Only sixty-three names of subscribers appear here, though they are said to have been sixty-nine. Ministers living more than ten miles from London voted on each side.

#### NON-ATTENDANTS OR NEUTRALS.

##### PRESBYTERIANS.

John Munkley,	Bartholomew Close.
Joshua Bayes,	Leather Lane, St. Thomas's.

Dr. Edmund Calamy,	Prince's Street, Westminster.
John Mottershead,	Queen Street, by Ratcliff Cross.
Caleb Norris,	Ditto.
John Barker,	Hackney.
Dr. Zephaniah Marryatt,	Zoar Street.
John Walker,	Brentford.
John Watson,	Uxbridge.

## INDEPENDENTS.

Dr. Isaac Watts,	Bury Street.
Samuel Price,	Ditto.
Daniel Neal,	Jewin Street.
Thomas Hall,	Little Moorfields.
John Shuttlewood,	Mill Yard.

The author of the manuscript from which extracts are given in No. 3, says :

“ As to those ministers who appeared against what they called imposition in the Salters' Hall controversy, that is against declaring their faith as to one article of Christianity only (though never offered as a term of communion or of exercising the ministerial office), and strenuously defended the right of private judgment, it might reasonably have been expected the cause of nonconformity would have received from them considerable encouragement, especially that they themselves, by their own example and practice, would have kept steady to it ; but it proved the reverse ; for of those non-subscribing gentlemen, and such as had imbibed their principles, there have at least twenty persons who called themselves Dissenting ministers conformed to the Church of England since 1718 ; and if the laity had travelled the same road in an equal proportion, that interest would have received a great shock. And here it is worthy of remark that those gentlemen, who could not digest one article of faith, are on a sudden so enlightened, as to be convinced that it is their duty to subscribe thirty-nine, while those ministers that could honestly subscribe an article have to a man, kept steady to the dissenting interest, and have been instrumental in supporting it with honour. It is evidently manifest that if ever the dissenting interest, and with it the power of godliness, is preserved, the old Protestant doctrines must be maintained, and steadily adhered to ; for wherever the contrary are given into, so far they are both in the way to destruction.”

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## No. 5.

"The following List of approved Ministers of the Presbyterian Denomination was delivered in by Mr Evans, and received in 1727."

## IN LONDON.

MEETING.	PERSONS.
Blackfriars,	Samuel Wright.
	Thomas Newman.
Bartholomew Close,	John Muncckley.
Haberdashers' Hall,	Joseph Hill.
Mugwell Street,	Daniel Wilcox.
Silver Street,	Daniel Mayo, sen.
	Thomas Bures.
Trinity Lane,	Benjamin Andrews Atkinson.
	John Sherman.
Salters' Hall,	John Newman.
Old Jewry,	Thomas Leavesly.
	Samuel Chandler.
Lothbury,	John Cumming.
Eastcheap,	Thomas Reynolds.
	James Wood.
Crosby Square,	Benjamin Grosvenor.
	Edmund Calamy.
Little St. Helen's,	Edward Goodwin.
Hand Alley,	John Evans.
	James Read.
Crouched Friars,	William Harria.
	Samuel Harvey.
Gravel Lane,	Joseph Denham.
Leather Lane,	Joshua Bayes.
	John Cornish.
Salters' Hall Evening Lecture,	Samuel Baker.

## IN WESTMINSTER.

Longditch,	Edmund Calamy, D.D.
Swallow Street, St. James's,	James Anderson.
Russel Court, Covent Garden,	Patrick Russel.
Diot Street, in Great Russel Street,	Thomas Cotton.
Hanover Street, near Long Acre,	Jabez Earle.

## IN SOUTHWARK.

Maid Lane,	Joshua Oldfield, D.D.
	Obadiah Hughes.
St. Thomas's,	Henry Read.
Court Yard,	James Matthews.

Gravel Lane,  
Parish Street,  
Rotherhithe,  
The Point,

Zephan. Marriot.  
James Galloway.  
John Radcliff.  
Thomas Masters.

## IN MIDDLESEX.

Ratcliff Cross,  
  
Old Gravel Lane, Wapping,  
Bethnal Green,  
Hackney,

John Mottershead.  
Benjamin Hollis.  
William Bush.  
William Chapman.  
John Barker.  
George Smith.  
Isaac Bates.  
Richard Biscoe.  
John Eaton.  
Samuel Savage.  
William Bush.  
Zachariah Merrel.  
Thomas Sleigh.  
Edward Berne.  
Joseph Baker.

Hoxton,  
Newington Green,  
Stoke Newington,  
Edmonton,  
Enfield,  
Hampstead,  
Highgate,  
Hammersmith,  
Brentford,

## IN HERTFORDSHIRE.

Barnet,

Jeremiah Owen.

## IN ESSEX.

Stratford-le-Bow,  
Havering Well,

John Goff.  
Samuel Wilson.

## IN KENT.

Deptford,  
Woolwich,

John Beaumont.  
Emanuel Elleker.

## IN SURREY.

Stockwell,  
Mortlack,  
Battersea,  
Peckham,  
Kingston,

John Cambden,  
Samuel Highmore,  
Thomas Simmons,  
Thomas Hadfield,  
Daniel Mayo, jun.

## UNFIXED.

William Sheffield,  
Thomas Bayes,

Previously at Buckingham and Windsor.  
Afterwards of Leather Lane and Tun-  
bridge.

John Oakes,  
John Cox,

Afterwards of Cheshunt.  
Previously of Bishopgate Street, with  
Thomas Davies as his assistant ; he  
was an Independent.

John Myonett,  
 Strickland Gough, the younger, Afterwards conformed.  
 Edward Sandercock, Afterwards (about 1730) at Bartholomew  
 Close.  
 Samuel Newman, Afterwards at Salters' Hall.  
 [John] Panton, Afterwards at Parish Street.  
 The particulars of the unfixed ministers are added here.

## No. 6.

The List of the Approved Ministers of the Congregational Denomination, living within ten miles from the Cities of London and Westminster, presented by the General Committee of the Ministers of the Three Denominations, in December, 1727. The Christian names of the ministers, and the situations of their chapels, are added.

John Asty,	Ropemakers' Alley.
Thomas Ridgeley,	Three Cranes Court, Thomas Street.
John Hurrior,	Hare Court.
Thomas Hall,	Little Moor Fields.
Thomas Bradbury,	New Court.
Isaac Watts,	Bury Street, St. Mary Axe.
John Hubbard,	Stepney.
Daniel Neal,	Jewin Street.
Timothy Jollie,	Miles Lane.
Samuel Price,	Bury Street.
Jeremiah Hunt, D.D.,	Pinner's Hall.
John Guyse, D.D.,	Petty France.
Moses Lowman,	Clapham.
David Jennings,	Wapping, New Stairs.
John Killinghall,	Deadman's Place.
George Davy,	Prince Street, Little Moorfields.
John Sladen,	Dockhead.
Richard Pain,	Petticoat Lane.
Thomas Masters,	The Point, Southwark.
Phillip Gibbs,	Lime Street.
Samuel Parsons,	Three Cranes Court.
T. Pain.	
Savill,	q. removed to Bury St. Edmond's.
Abraham Taylor,	Lime Street, tutor employed by the Kings Head Society.
John Fletcher,	York Buildings.
Macgee,	Removed to Wivenhoe.



Samuel Sanderson,	Kensington.
Henry Miles,	Tooting.
Nathaniel Lardner, jun.,	Hoxton Square.
Arthur Shallet,	Stepney.
Jenkin Lewis,	Redcross Street.
John Bond,	York Buildings.
Joseph Astley,	York Buildings.
Samuel Harris,	Mill Yard, Goodman's Fields.
Thomas Davies,	Bishopgate Street.
Robert Bragg,	Lime Street.
Robert Wright,	Girdlers' Hall.
Richard Lardner, sen.,	Hoxton Square.
Weaver.	
John Conder,	Hare Court.
Thomas Charlton,	Aldermanbury.
Peter Bradbury,	New Court.
Brooks.	
Thomas Lamb,	Bow Lane.
John Cox,	Bishopgate Street.
Joseph King,	of Rumford.
John Day,	of Croydon.
Edward Sandercock,	(1727) Spital Square, and afterwards (1738) Rotherhithe.
John Eaton,	of Newington.
Thomas Simmonds,	of Battersea.

In 1727, when English Sovereigns had repeatedly received on the throne addresses from the general body, it was determined that a Committee of ministers, seven Presbyterians, six Independents, and six Baptists, should be yearly chosen, each quota by its own denomination.

The ministers in the foregoing list, except the fifteen last named, attended the meeting, "held at Mr Asty's meeting-place," on the 27th September, 1727, for the selection of the Independents' quota. It may be interesting to know that at this meeting Dr. Watts and Mr Lowman were appointed to assist Mr Asty, who was in the chair, (the meeting being in his chapel), in ascertaining the votes, and that the ministers chosen, with the number of votes for each were: Mr Bradbury 21, Dr. Ridgeley 19, Dr. Watts Mr Hurriion and Mr Lowman 17 each, and Mr Asty 15. At that meeting it was agreed, "that every one present who chooses to be reckoned among the Congregational ministers, and does not design to vote in and with the body of the Presbyterian or Baptist ministers, be allowed to vote at this meeting."

On the 5th December a meeting was held at Dr. Watts's chapel, to determine, "what rule they should act by in forming and adjusting the Body of the Congregational denomination, and to settle that list for the time to come." There was a long debate about the rule or method by which the list of the Congregational ministers should be settled. The two most considerable opinions proposed and urged were these: 1. That those only should be accounted Congregational ministers who some way or other manifested their agreement to the Savoy Confession of Faith and Order of Congregational Churches. 2nd. That the rule by which the ministers were admitted September 25th, to give their vote for the choice of the Committee, should be the rule by which the list of the Congregational ministers should be determined and settled, viz., those who had been known and approved preachers and chose to be ranked among the Congregational ministers, and did not design to vote in the body of the Presbyterian or Baptist ministers. After much time spent, and many arguments on both sides, it was agreed then nemine contradicente, viz., "That the rule by which the ministers were determined to have a vote on choosing the Committee of a Third Body of Protestant Dissenters on September the 25th last be followed in admitting any minister into the list of that body, to vote with it on political occasions for one year, i.e., till Michaelmas next."

A note is added, "It was called a Third Body, because some present were very zealous to exclude the name Congregational out of the whole question and vote, unless the first rule was followed, and the congregational ministers were distinguished by agreeing to the Savoy Confession. The night coming on and the ministers withdrawing themselves by degrees, those of the other opinions permitted the question to be put in this form, rather than to break up the assembly and do nothing."

"After this vote the assembly broke up and did not stay to determine and settle the list according to this vote. But the vote itself being so plain and easy to be applied, it was thought by several of the committee a needless thing to call the whole body together again for this purpose. Accordingly there was a list drawn up, thirty-five of which were before allowed to be of the congregational body, and had a vote as choosing the Committee, September 25th last." [They are then set out as above to the name Davies.]

It is added, "There are fifteen more that are sufficiently well known to be of the congregational body, or have explicitly declared they chose to be ranked among them," [viz., the fifteen names last in the list.]

The only page of this list preserved contains ten names and remarks relating to them, among them "Sandercock, joined with the Presbyterians," these last words evidently added afterwards in another handwriting.

The next list preserved is that made out for 1734-5, and is as follows :

Robert Bragg,	Lime Street.
Thomas Bradbury,	New Court.
Isaac Watts, D.D.,	Bury Street.
Daniel Neal,	Jewin Street.
John Guyse,	Petty France.
Jeremiah Hunt, D.D.,	Pinner's Hall.
John Killinghall,	Deadman's Place.
Samuel Price,	Bury Street.
Robert Wright,	Girdlers' Hall.
John Hall,	Little Moorfields.
David Jennings,	Wapping.
Peter Goodwin,	Ropemakers' Alley.
John Hubbard,	Stepney.
Timothy Jolly,	Miles Lane.
Richard Rawlin,	Fetter Lane.
Samuel Bruce,	Hare Court.
John Halford,	Back Street.
Samuel Stevens,	Colliers' Rents.
Moses Lowman,	at Clapham.
John Davy,	at Croydon.
John Masters,	at Barnet.
Abraham Taylor,	at Deptford.
Henry Miles,	at Tooting.
John Hill,	at Newington.
Thomas Simmonds,	at Battersea.*
Richard Lardner, sen.,†	Hoxton.
Samuel Harris,	Mile Yard, Goodman's Fields.
Samuel Parsons,	Three Cranes Court.
John Conder,	Hare Court.
Thomas Charlton,	Aldermanbury Postern.
Arthur Shallet,	Stepney (retired).
Thomas Lamb,	Bow Lane.
Samuel Sanderson,	Kensington.
Brooks.	
John Bond,	York Buildings.
William Guyse,	Petty France.

\* The chapels (all Independent ones) at Battersea, Walthamstow, Colliers' Rents, Bishopgate Street, and others, are omitted from Dr. Evans's list. He seems to have been best informed as to Presbyterians.

† Sen. is added in another hand. The original entry appears to have been meant for the son. The Christian names and the chapels are not in the original.

John Farmer,  
Jacob Fowler,  
Thomas Tingey,  
Jackson.  
Vowel.  
Reed.  
Shaen.

Fetter Lane.  
New Court.  
Rotherhithe.

The Independent ministers of London had previously no formal method of recognizing a minister as one of them, unless it were by his contribution to the Independent Fund. Yet the true Independent ministers, as distinguished from men who were known Antinomians, or had set up churches differing from the principles or observances usual among Congregationalists, feeling that the body would be disgraced by such names appearing on their list, proposed a recognition of the Savoy Confession, though that document, as quoted at p. 30, contains a passage deprecating its being used as a test. That they did not purpose to have it subscribed is shewn by the phrase, "in some way or other." The more consistent plan of rejecting every human standard prevailed, but the wishes of the party thus overruled were met by not calling the residuary, and, as there was danger of its being, the heterogeneous body, by the name Congregational. That name however attached to it in spite of the arrangement, but it would seem that no unwelcome party claimed, or was proposed for insertion on the list; and no minister was added, after the list was once formed, without a vote of the body, and twenty years had scarcely elapsed before names (added to the list after 1734) were removed from it by such a vote. It was, after the lapse of a few years, resolved that no minister should be proposed for addition to the Board unless on the recommendation of five members of the Board, expressed personally at the meeting, or signified in writing. These precautions shew the care taken to preserve the body from unworthy members, without the use of any test.

The name of Dr. Lardner, it will be noticed, does not appear on the second list; in 1727 he took the afternoon preachingship at Crouched Friars. Mr Walter Wilson distinguishes the congregation from its chapel in Poor Jewry Lane.

Mr Lowman's name was continued on the list until his death, and his successor, Mr, eventually Dr., Philip Furneaux, took his place. The only other name added during thirty years which appears to call for remark are those of Hugh Farmer of Walthamstow, and Dr. Zephaniah Marryatt then of Deadman's Place, who ranked as a Presbyterian at the time of the meeting at Salters' Hall.

No doubt the formation of Dr. Evans's list of ministers, and the appointment of the Committee of the Three Denominations "to vote on political occasions," as the Congregational Board expresses it, were all

part of the same scheme of securing united action by the Dissenters; and it was perfectly in accordance with the notions of the Presbyterians, who were then the leading denomination of Nonconformists, to leave all to be done by the ministers. It was however soon seen that the ministers were not fit persons to deal with political matters, and the Dissenting Deputies were organized, in 1732, for the protection of Dissenters, and the redress of their grievances. They began by attacking the bye-law of the City of London, by which Dissenters were fined £500 for not serving as Sheriffs, although disqualified by the Test and Corporation Acts, an evil which, thanks to Lord Mansfield, they put down, but not until after sufficient fines had been received to pay in great part for the building of the Mansion House.

The Three Denominations are often sneered at for only presenting addresses, but there is nothing else left for them to do, and the privilege is not without value; and the union being for political purposes only, there was no ground for the horror which used to be affected by some persons at the association in the old Three Denominations of Trinitarians with Anti-Trinitarians.

This is, perhaps, the place to remark that, notwithstanding the contrast drawn by the Scotch Presbyterians in the Hewley case, (and otherwise), between Presbyterian and Independent ministers in respect of their literary qualifications, and their styling the Presbyterian ministry a learned ministry, Dr. Watts, Dr. Lardner (he was not only an Independent by birth, but on his return from Leyden he joined the church in Miles's Lane, though he exercised his ministry among the Presbyterians, and joined their Board perhaps from the proposed recognition of the Savoy Confession,) Dr. Doddridge, Dr. Jennings, Mr Neal, Mr Jeremiah Jones, Mr Lowman and Mr Hugh Farmer, all men of note in the present day, which is more than can be said of any Presbyterian in Dr. Evans's list, except Dr. Calamy and Mr Benjamin Bennett. Dr. Evans himself, Dr. Benson, Dr. Chandler, Dr. Wright, Dr. Grosvenor, Dr. Fordyce, Mr Tong, Mr Grove, Dr. Latham, Dr. Rotheram, and Dr. Dickson, are not better known now than Dr. Hunt or Dr. Furneaux, nor is there any reason why they should be, since the two ministers last named were fully their equals, either as learned men or as able or attractive writers.

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#### No. 7.

List given in "The Historical Proofs and Illustrations," of "ministers of Arian or other Anti-Trinitarian sentiments, who were in the course of their education before 1710."

This list is to be found p. 74 ib., at the end of the section entitled,

"Particular cases, Exeter, &c." and is introduced by the following sentences: "It may be of some interest to subjoin a list of a few names of eminent Presbyterian ministers, who were in course of education in Lady Hewley's day, and who became known as notoriously Unitarian, (as one of the divisions of that class of opinion.) It is formed on the most casual reference to books, but it in fact embraces almost all the Presbyterian names of much note in the period, and is distributed over every part of the kingdom, showing how general this tone of opinion was, and how little exclusive the instruction could have been that produced such results."

Gabriel Barber, of Brentwood, in Essex, where he settled in 1708, died 1750. [His successors seem to have been Arians.]

Joseph Mottershead, born 1688, of Nantwich, and afterwards of Manchester, where he spent a long life. Entered the ministry in or about 1710; ordained 1713. [He spent a year during his preparation for the ministry in Matthew Henry's house, and received him into his own house to die, having without doubt at that period the reputation of being orthodox. He however no doubt afterwards became Arian, but resisted the arguments by which his son-in-law Seddon would have won him to Socinianism.]

John Witter, of Hull, where he settled about 1705; one of Lady Hewley's trustees to about 1757. [He was one of the third lot appointed in 1735. His congregation was orthodox until the end of the last century.]

John Aldred, Wakefield, and Timothy Aldred, Morley, county of York, two brothers, who entered the ministry about 1707. [There is reason to suppose that Timothy was an Arian.]

Thomas Dickson, M.D., Whitehaven, entered the ministry about 1700, died in 1729. Tutor of Benson, Taylor, Rotherham, &c. [See pp. 129, 82; he accompanied Dr. Calamy in his tour in Scotland.]

Martin Tomkins, [Stoke] Newington. Mentioned by Whiston as an Arian; [he certainly was dismissed for suspicion of Arianism. See pp. 43, 97, 157.]

Benjamin Bennet, Newcastle-upon-Tyne. Entered the ministry about 1697. See pp. 128, 636.

Lemuel Latham, Sunderland. Entered the ministry about 1707. See pp. 129, 197, 198.

Richard Rogerson, Newcastle, Josiah Rogerson, Derby, brothers, who entered the ministry about 1707. [Josiah Rogerson was no doubt an Arian in 1736. See pp. 35, 71.]

Dr. Henry Winder, Liverpool, born 1693. Entered the ministry about 1715. [His books will shew his views.]

John Taylor, D.D., of Norwich, &c., born in 1694. Entered the ministry 1715. [He is designated in the Proofs an Arian. See pp. 44,

87, the authority for the statement in the last-mentioned page is Mr Walter Wilson.]\*

Ambrose Rudsdale, Gainsborough, a York man, born about 1685, was in the ministry in 1707, a trustee of the Hewley estate. Died 1754. [Mr Rudsdale's congregation was an Independent one, a fact which is not without weight; he was appointed at the same time as Mr Witter.]

John Platts, Ilkeston. Entered the ministry about 1705, died 1735.

Samuel Bourn, Birmingham. Entered the ministry about 1709. [He seems to have been orthodox at his outset in life. See pp. 35, 71.] There were three ministers of these names, father, son, and grandson; this is the son.]

Isaac Worthington, Durham. Entered Frankland's Academy, 1691 [see p. 84].

Joseph Dodson, Marlborough. Entered the ministry about 1708. [See pp. 97, 129, 197].

Bennet Stevenson, D.D., Bath. Entered the ministry about 1704, died 1756.

Samuel Bates, Warminster. Entered the ministry about 1703; resigned 1761, being then very old.

Nicholas Billingsley, Ashwick. Entered the ministry about 1706.

Benjamin Ascrigg, Shepton Mallet. Entered the ministry before 1710.

Herbert Stogden, Somersetshire. Ordained 1718.

Richard White, Somersetshire.

James Foster, Somersetshire; Barbican and Pinners' Hall, London.

[No doubt he was a Socinian. See p. 80.]

\* Dr. Taylor cannot be removed from this list, but a quotation from one of his later works may be transferred here from Mr Palmer's preface to the Nonconformists' Memorial. It deserves a place in both works, and it will testify what the heterodox of the early part of the last century were.

"The principles and worship of Dissenters are not formed upon such slight foundation as the unlearned and thoughtless may imagine; they were thoroughly considered, and judiciously reduced to the standard of Scripture, and the writings of antiquity, by a great number of men of learning and integrity; I mean the Bartholomew divines, or the ministers ejected in the year 1662; men prepared to lose all, and to suffer martyrdom itself, and who actually resigned their livings, (which with most of them were under God, all that they and their families had to subsist upon), rather than sin against God, and desert the cause of civil and religious liberty; which together with serious religion, would, I am persuaded, have sunk to a very low ebb in the nation, had it not been for the bold and noble stand these worthies made against imposition upon consciences, profaneness, and arbitrary power. They had the best education England could afford; most of them were excellent scholars, judicious divines, pious, faithful and laborious ministers; of great zeal for God and religion; undaunted and courageous in their Master's work; keeping close to their people in the worst of times; diligent in their studies; solid, affectionate, powerful, lively, awakening preachers; aiming at the advancement of real, vital religion in the hearts and lives of men, which, it cannot be denied, flourished greatly wherever they could influence. Particularly they were men

John Bowden, Frome. Entered the ministry about 1704.

Henry Grove, of Taunton ; (born 1683) entered the ministry about the same time. [Was an Arian. See p. 72].

Matthew Huddy, Penzance. Ordained 1704.

James Pierce, Exeter. Entered the ministry about 1696. [See pp. 23, 97, 104, 139.]

Joseph Hallet. Ordained 1683. [See p. 23 and 97].

Thomas Jeffery succeeded Mr Pierce at the Mint Meeting, Exeter. [May be admitted to be an Arian.]

John Cox, Kingsbridge. Ordained 1702. [See p. 97].

Isaac Gilling, Newton, ordained 1687. [The chapel is now Independent].

#### OTHER DEVONSHIRE MINISTERS ON THE ARIAN, OR ANTI-TRINITARIAN SIDE IN 1718-19.

Roger Beadon, Budleigh, ordained 1709, [see p. 97].

Samuel Carkeet, Totness, ordained 1710.

Samuel Adams.

John Parr, Okehampton. Ordained 1715.

Joseph Hallet, the younger ; born 1692.

James How.

John Force, Bovey Tracy, died 1728.

Nathaniel Cook, Biddeford.

Thomas Hornbrook.

George Jacomb.

John Starr.

of great devotion and eminent abilities in prayer uttered as God enabled them from the abundance of their hearts and affections ; men of divine eloquence in pleading at the throne of grace, raising and melting the affection of their hearers, and being happily instrumental in transfusing into their souls the same spirit and heavenly gift. And this was the ground of all their other qualifications ; they were excellent men because excellent, instant, and fervent in prayer. Such were the fathers, the first formers of the Dissenting interest. And you here in Lancashire had a large share of these burning and shining lights. Those who knew them not might despise them, but your forefathers, wiser and less prejudiced, esteemed them highly in love for their work's sake. You were once happy in your Newcombs, your Jollies, your Heywoods, &c., who left all to follow Christ : but Providence cared for them, and they had great comfort in their ministerial services. The presence and blessing of God appeared in their assemblies, and attended their labours. But now alas ! we are pursuing measures which have a manifest tendency to extinguish the light which they kindled, to damp the spirit which they enlivened, and to dissipate and dissolve the societies which they raised and formed ! Let my soul for ever be with the souls of these men !" Scripture Account of Prayer, p. 51. These words were addressed to the "Presbyterians" of Lancashire, to dissuade them from the use of a liturgy, which however proved too much in accordance with the state of religion among them, for them to act upon his advice. The use of the liturgy by Socinians, and the extent of alteration necessary to adapt it to their purposes, are worth notice and enquiry.



John Fox [see p. 74].

Mark Facey.

Thomas Edgeley, Totness. Ordained 1700.

#### IN LONDON.

There were many. The leading names will most of them have appeared already, such as

Mr Moses Lowman [Independent minister at Clapham, born 1680, died 1752. The charge of heterodoxy against him is grounded on three tracts by him published after his death, but which he intended to publish. 1. "Remarks upon the question whether the appearances under the Old Testament were the appearances of the true God himself, or some other spiritual being representing the true God, and acting in his name." 2. "An Essay on the Schechina, or Considerations on the Divine Appearances mentioned in the Scriptures." 3. "Texts of Scripture relating to the Logos considered." They were edited by Dr. Lardner, Dr. Chandler, Dr. Ward, and Mr Sandercock. Mr W. Wilson says, "The object of this work was to overthrow the generally received opinions respecting the doctrine of the Trinity, and the Divinity of Jesus Christ, and it has been appealed to with great confidence by some writers in behalf of Socinian principles." No writing of his, published in his life, betrayed unsoundness. No other Independent appears to have contributed to the Occasional Papers.]

Dr. [Nathaniel] Lardner [born 1684, died 1768, by 1758 he became a Socinian, having for some time previously been an Arian. In 1703 he joined the church in Miles's Lane, during Mr Matthew Clarke's ministry, who was an Independent of undoubted orthodoxy.]

Dr. [Jeremiah] Hunt [minister of the Independent congregation at Pinners' Hall, born 1678, died 1744, was certainly vehemently suspected of heterodoxy on account of his associates. He is believed to have been the Mr H. of whom Dr. Watts thus spoke in 1708 (the year after his settlement in London): "I believe with you that Mr H.'s insisting so much on the duties of morality, and pressing them upon the motive of Christ's example above and beyond all other motives, has been a reason why some persons have suspected him of Socinianizing, though he has several times in the pulpit and in converse, expressed his sentiments very plainly opposite to Socinus on the great points of controversy. I wish he had always done it, and talked with caution in all places on those subjects. He has raised many scruples among many persons; but I quash them wherever I find them." Milner's Life of Watts, p. 228, 229. He is not set down as a Socinian by the anonymous classifier.]

Dr. [Samuel] Wright, [of Blackfriars and Carter Lane chapels, born 1682, died 1746. Mr W. Wilson pronounces him a moderate Calvinist,

and the following is an extract by Dr. Hoppus from his confession at his ordination, and his sermon on 2 Tim. 1, 13. "There are three persons in the Godhead, distinct in their personal properties, but the same in all glorious perfections, each of them God, yet all but one God.

\* \* \* The Father and the Son from eternity agreed upon articles or propositions every way becoming the infinite perfections of the divine nature, whereby to effect and bring about the salvation of a certain number of men.

"What is recorded concerning the fall of angels, and first formation of man, his apostacy and corruption, with everything that relates to our redemption and recovery by Christ; and whatever concerns us in our transactions with Father, Son, and Holy Ghost, in order to our eternal salvation: this faith must be held fast, pure, and entire, as it was at first delivered to the saints."

Dr. Wright's sermon on opening Carter Lane chapel, (republished by Dr. Hoppus in 1825), also shows that his opinions were orthodox.]

Mr Henry Read, [successively of Ratcliff Cross, Monkwel Street, and St. Thomas's, Southwark, born 1686, died 1774. Mr Walter Wilson says, "Mr Read divided with the nonsubscribing ministers not from any doubts in his mind as to the generally received opinion on the subject, [of the Trinity,] but from a principle of opposition to the exacting a subscription to human articles of faith. Mr Wilcox being a zealous Calvinist, and judging Mr Read's discourses to be too much in the Arminian strain, he dismissed him from his situation in Monkwel Street, by his own authority, without consulting his church, which occasioned some of his hearers to leave him. Mr W. Wilson gives a list of Mr Read's works, five sermons and a catechism.]

Mr James Read, [successively of the Weighhouse, Hand Alley, St. Thomas's, and New Broad Street, born 1684, died 1755. He was dismissed by the majority of the Weighhouse church, because he could not assert with the pastor, Mr Reynolds, "that he thought them guilty of idolatry, or that they had forfeited their claim to Christian communions who pay religious worship to our Lord Jesus Christ, the only mediator between God and man; though they hold him to be subordinate to his Father, or (as Christ himself has told us,) that his Father is greater than he." He was a member of the society of ministers who met on Thursdays at Clew's Coffee house, who were mostly heterodox. Mr W. Wilson says of him, "He seldom went directly into points of controversy, yet openly vindicated uncorrupted Christianity, giving what he took to be the true scripture doctrine, and earnestly recommending that charity of which he himself was so bright an example." His brother Henry, Dr. Evans, and Dr. Allen, were his colleagues in his three last chapels. Of Dr. Evans Mr Wilson says, "His opinions in general harmonized with the Confessions

of the Reformed Churches"; of Dr. Allen, "His religious sentiments were in no extreme, and are said to have approached towards moderate Calvinism."

Mr Caleb Fleming, [of Bartholomew Close and Pinners' Hall, born 1698, died 1779, who succeeded Dr. Foster at the latter chapel, as he followed Dr. Hunt, was a Socinian from early life, though it does not follow that his sermons were so from the first, as like most of his friends he might content himself for a time with being non-evangelical. He has the distinction of having destroyed two congregations, one Presbyterian and the other Independent, as he had no successor in either. He is recorded also as the first dissenting minister who was ordained without a confession. He only said that "he believed the New Testament writings to contain a revelation worthy of God to give and of man to receive; and that it should be his endeavour to recommend those teachings to the people in the sense in which he could from time to time understand them." The ministers who ordained him were Dr. Chandler, Dr. Hunt, Dr. Benson, Mr Mole, Mr Simmons, and Mr Sandercock.

Dr. [George] Benson [born 1690, died 1762, of Crouched Friars. He was at first only an Arminian, but ended a Socinian].

Dr. Samuel Chandler, [of Peckham, and the Old Jewry, born 1693, died 1766. Mr W. Wilson says of him, "though Dr. Chandler was not a Calvinist, yet we are told that he often insisted on those topics which are usually esteemed evangelical, and that in a manner highly acceptable to many whose doctrinal sentiments were more Calvinistical than his own."] [The extract ends here.]

Lady Hewley founded her charity in 1704, when very few of the ministers included in this list were even in course of education for the ministry.

Notwithstanding the sentences, quoted above, with which this list is introduced in the Proofs, it will occur to persons acquainted with the subject that England has been well swept to yield this list, and that very few names could, with any plausible justification, have been added to it. Indeed it is submitted that enough has been stated here to shew that several ministers have been improperly included in it. Yet with all this undistinguishing zeal on the framer's part, he has not inserted Dr. Benjamin Grosvenor, Dr. John Evans, or Mr Simon Brown, although writers in the Occasional Paper, notwithstanding the remarks copied at p. 117, nor Mr Bury, though thrice referred to in the Proofs in the manner which we have seen at pp. 165, 82, 72. The remarks here added to the list admit the imputation of heterodoxy when known to be correct, but neither extensive nor accurate knowledge on the subject is pretended, and if that had been possessed by the author of

the Proofs, no remarks would have been ventured in answer to his assertions, but when so many ministers are here claimed as heterodox without any evidence other than that given in preceding pages, which will be found most inconclusive, there seemed no reason for withholding the small amount of information here supplied as to some of the names.

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#### No. 8.

Dr. Calamy's opinions, shown by extracts from his autobiography.\*

The autobiography of Dr. Calamy was relied on by the Socinians and the Scotch Presbyterians in turn, as proving their assertions as to the views of the English Presbyterians, and though the doctor would not be selected by persons of evangelical principles as the highest specimen of the English Presbyterian minister, yet it may be admitted that no man of his generation of whom we have a memoir, more fairly represents the general opinions of his brethren, especially those in the more influential positions. It has therefore been determined to give extracts from his life, as edited by Mr Rutt. That gentleman however states : "I have endeavoured to exercise a discretion peculiarly requisite on a work of so much variety, and which concludes abruptly when the author's rapidly declining health forbade the obvious advantage of his revision." These expressions must mean at the very least that passages and phrases have been omitted, and Mr Rutt's notes, and his chief authorities, e. g. Major Cartwright for matters relating to the English constitution, and the Monthly Repository in ecclesiastical affairs, do not inspire absolute confidence in his judgment.

The following paragraphs occur in the Proofs, after the quotation of the statement the Doctor makes as his views at his ordination. Additions to them are enclosed within hooks.

"In describing his ordination Dr. Calamy says, 'I wrote an account of our design, and what Mr Howe proposed about his father, and begged he would convey our request to him. But then I laid down the principles we went upon distinctly, to be ordained ministers of the Catholic Church of Christ without any confinement; and begged he would expressly mention that, and signify that if any narrow, confining, cramping notions were intermixed in the management, I should drop the matter, and take the liberty to withdraw, even though the work of the day were begun or considerably advanced. [I thought it the more requisite to be thus particular, because I had been present at a day of

\* It should be particularly borne in mind that this autobiography was evidently not written from any diary or notes at the time, so that we find in it the cast of thought as well as the expressions of the last years of his life.

prayer, kept in Curriers' Hall upon Mr Shower's accepting (in 1691) a call from the remainder of my father's congregation that had been, after his decease, under the care of Mr Samuel Borfet. At which time Mr Mead, to whom the chief management of the solemnity had been committed, as it were married Mr Shower to that congregation, and carried things so far as to represent it as a sort of spiritual adultery if upon any occasion he should leave them, and go to spend his pains stately in another worshipping society; a sort of management not at all to my edification.\*] Life I., 342, 343.

"He continued to act in the same diffusive spirit. 'If it be possible as much as lieth in us, let us live peaceably with all men.' Though some slight, and others insult us, yet let us be Catholic-spirited. Let us love all, without exception, that have anything of God in them, anything of the image of Christ upon them. Let us strive to return to the Apostolical simplicity, and take care that our religion be that of the Bible." Calamy's Dedication of the Continuation of the account of Ejected Ministers, 1727, vol. I., p. lvii.

"The period to which this is to be referred is the year 1692, fifteen years before the perfecting of Lady Hewley's foundation. Dr. Calamy was a friend of Lady Hewley, encouraged by her in his ministry. He speaks of a 'noble mark of her bounty,' which he received from her after a journey which he had taken through York. It is not contended that Dr. Calamy was himself an unbeliever in the doctrine of the Trinity; on the contrary it is known that he preached and published in defence of his own views of that doctrine, which are however very moderate.

'We shall proceed to make some extracts from Dr. Calamy's account of his journey by York to Edinburgh in 1709, and we do so because they bear remarkably on the present questions in more ways than one. 1st. They bring him in direct contact with the founder [Lady Hewley], he participated in her bounty, and it may therefore reasonably be presumed that his character had her approval. 2nd. They illustrate the distinction even in those days between the Scotch and the English Presbyterians. We know what the doctrinal views of the former were and are, namely, such as the relators would prescribe as

\* The complaint, p. 77 sup., relates to the omission in the Proofs of these sentences added here; without them the first part of the paragraph might have any meaning a reader wished to extract from it.

Mr Mead was an Independent. This was not Mr Shower's ordination, but his first settlement as pastor; he had previously been assistant to Vincent Alsop at Tothill Fields, and John Howe at Silver Street, but he had no other pastorate, so that Matthew Mead's discourse may have had its effect. The Romish Church has interpreted the one wife as the church; a better interpretation (of that kind) would have been to make the one wife one church. But translations (or in Scotch phrase transpositions) no doubt must be permitted, like Jewish divorces, for the hardness of the husbands' hearts.

† i.e., what he says as to his ordination.

the standard of this charity ; but this was even then a widely different standard from that approved by the London divine and his brethren, according to his testimony. 3rd. The course he took is a specific affirmative proof of the liberality of the English leader, the more important because it was made under circumstances which would have induced him, out of courtesy, to make the distinction as little prominent as his conscience would allow."

p. 146. 'We set forward in April on Monday, reached York Friday evening, and continued there until Monday morning following. Dr. Coulton, the worthy pastor of a congregation there, treated us with abundant respect and civility. But the good Lady Hewley, a person eminent for her piety and charity, was at that time so ill, that notwithstanding she was very desirous of a visit from me, yet she was not able to bear it, during the short time of my stay. At my return to Westminster, that generous lady was pleased to send me a noble mark of her bounty, on my part altogether unexpected, p. 147. [This paragraph is given only because the *Proofs* lay stress upon it.]

p. 152. 'Monday I went into the Assembly, conducted by Mr Carstairs, the Earl of Glasgow sitting as the Queen's Commissioner, and Mr Curry of Haddington, Moderator. I was placed upon a bench at the foot of the throne, at the right hand of the Moderator, and had liberty to attend from day to day, and hear all that passed, making my remarks and observations. [To get the better insight into their affairs, I not only went into the "Committee of Overtures" and the "Committee of Bills," but had a meeting (every evening over a glass of wine) which had in it one out of each of their synods, who, by kindly giving me an account of what had passed in their respective synods, with regard to the several matters laid before the General Assembly, gave me a clear and distinct view of their proceedings. When I afterwards told Mr Carstairs of this aim and practice, he with his wonted frankness cried out, "Verily, to spy out our nakedness are you come; and had you spent ever so much time in contriving a way to discover all our defects at once, you could not have fixed on one more effectual." That which I take to have been more remarkable was that not one in all the company was for the *jure Divino* of the Presbyterian form of church government, though they freely submitted to it.]

'I took particular notice of two things brought before this Assembly. One the case of the parish of Crawford John, in Clydsdale; the other of a minister in the north, by the Synod of Aberdeen. [In the former the minister recommended by the presbytery, though agreeable enough to many of the people, was one against whom the Earl of Selkirk, the chief heritor of the parish, had a particular distaste, on account of an affront received from him. Though he was to pay the fixed minister a

yearly salary, yet he utterly refused to pay it to this person, with whom he resolved to have nothing to do.

‘When this matter was to come before the General Assembly most of the graver ministers were apprehensive of the consequence, and some persuaded me to argue with the younger members, in order to the convincing them of the need there was to act warily in such an affair. I did my endeavour, the day before and on the morning of the day when the matter was to come under consideration, but to little purpose. I told them freely that as far as I could perceive, they were far from consulting the interest of their church, by running the hazard of disgusting their nobility, when it lay in their power to oblige them, without heaping in upon their usual ecclesiastical methods in anything material.

‘That which they seemed to agree in was a formed resolution to put it to the trial whether their presbyteries had in reality any power. They said it was evident (whatever might be pretended) they had no power at all, if a nobleman was at liberty to control them at his pleasure. I told them I thought they might easily strain that string until it cracked, but there was no moving them.

‘When the matter was before the Assembly, and an account had been given of past proceedings, it was declared, by an advocate that pleaded for Lord Selkirk, that let but the presbytery recall this minister, in whom he never could acquiesce, and send another, be he who he would, he should submit to him; all his family should attend him and be catechized, and he would pay him the usual stipend. But the Assembly adhered to the Presbytery, and refused Lord Selkirk’s motion. Whereupon my Lord’s advocate entered an appeal to the Lords in the Parliament of Great Britain, took instruments of his so doing, and told the members they must thank themselves for the consequences. I heard more of this matter afterwards at Hamiltoun; but it was at length happily made up; and without that it might have set all their great men against their church.]

‘In the other case the party, whose name I think was Lawson, was ordained in episcopal times, and was complained of as deficient in knowledge and unsound in his principles. Having some occasion to preach before the presbytery in whose bounds he lived, exceptions were taken against several passages in his sermon, and it was agreed to refer the matter to the Synod of Aberdeen. Upon his appearing there, a committee was appointed to draw up a considerable number of questions on the most noted heads of divinity, to which he was to give a direct answer. His answers were to be taken in writing, and a judgment formed from thence as to his fitness for the ministry. The majority of that Synod was against him; but he appealed to the General Assembly,

where the exceptions were read and also the questions (above one hundred in number), together with his answers. Some of these answers, it must be confessed, were but weak. Others were as proper as would, I believe, have been returned off hand by many whose sufficiency was no way called in question.

'The Assembly seemed to be at a loss what to do with this man. The Moderator stooping down, and whispering me in the ear, as the questions were read over, asked me what my apprehensions were. I frankly answered that we in England should reckon this way of proceeding the Inquisition revived; at which he could not help smiling. Lord Forbes who sat on the bench above me asked what passed between the Moderator and me, at which he smiled. I freely told him, and he immediately fell to laughing. The Lord President, who sat on the seat above him, inquiring what he laughed at, and he giving him an account, joined also in the laugh. At last the Commissioner, who could not well help observing this, stooped down and whispered the Lord President of the [Court of] Session and asked, what was the occasion of all this laughing? Being told, he could not forbear joining. In short it was whispered from one to another, till it went round the Assembly. I heard of it afterwards at Aberdeen. . . .

'This poor man's case being warmly debated, some were for his being wholly silenced; others for his being warmly reprimanded and ordered to be more studious and cautious for the future. At length a committee being chosen of men of temper (of whom the Lord President was one), they were desired to discourse freely with him in private, and make a report of their opinion to the Assembly. When they had done they were against laying him wholly aside, and represented him as one that might be of use in the Church.' . . .

p. 199. ['I waited [at Aberdeen] on Mr Osborn, Professor of Divinity, a venerable old gentleman, at that time confined by illness. Discoursing of the proceedings of the late Assembly, he frankly told me it was not well taken among them that I should there represent the conduct of their Synod of Aberdeen as a revival of the Inquisition. I told him he was very sensible, that I, a mere stranger among them in North Britain, though much obliged for their great civility, had nothing to do to speak in their Assembly, nor did I pretend to or attempt it. But when the Moderator was pleased, in a free and familiar, but private way, to ask a question, I thought without just offence to any, I might be allowed to make him a free answer in the same way. And if I said anything at all to the Moderator, in return to his question, I thought it became me to signify my real apprehension of the matter, without any collusion.

'I thereupon freely owned to the professor, with whom I was



discoursing, that nothing appeared to me more like the method of the Inquisition than the way of procedure used by their Synod, wherein, by captious questions proposed, such persons as had fallen under suspicion were endeavoured to be drawn to drop somewhat, by which they might be ensnared and caught, and which might afterwards be a matter of accusation. Professor Osborn said that without some such method some men's errors would never be discovered.

'To which I replied, I conceived it was better to deal by them as our blessed Saviour did by Judas, whose treachery and baseness he knew, and was able with ease to have detected to the uncasing him and laying him open to others. Yet he suffered him to remain concealed, till by his carriage he discovered his own false-heartedness. I added that if what I had dropped was conveyed to others, it was not by me; but was entirely owing to the inquisitiveness of the members of the Assembly, who gave it a quick conveyance from one to another, till it passed quite round, whereas I only told it to the Lord Forbes, to whom I could not, without downright rudeness, have refused to give an answer.']

p. 162. [Mr Wiley, 'that was looked upon as so wise a man,' having said that 'whatever might appear to others, he laboured under many infirmities that might well be allowed to give him his quietus from fatigues of this nature,' sitting in the Assembly, and that he had declared he would not sit if chosen, 'I took the liberty to query how this part of his conduct could be reconciled with their commonly avowed principle that the Presbyterian form of church government was most agreeable to the word of God. Whether upon that supposition a refusal to sit in one of their General Assemblies, if a man was chosen, and tolerably able to bear the fatigue of it, was not a refusal to comply with the call of God, and do him honour in his church? His reply was, that he defied them all; and none must pretend to oblige him to what he was not of himself inclined to. Without pretending to press too close, I desired him to reconcile this to their professed principles. This led into abundance of discourse, during which I sat by as an auditor only, leaving it to the gentlemen present to argue the matter; and I must own they did it pretty strenuously and closely till they made him warm and angry.']

p. 177. 'The second Lord's Day I was desired by Mr Carstairs to give them a sermon in the new church. p. 179. My discourse was from Acts xi, 26, 'And the disciples were called Christians first in Antioch.' I touched on the excellence and honourableness of that name, and showed what it imported and obliged those to that wore it. I afterwards pressed such as knew its value to be contented with it, and careful to answer it without pretending to make any addition, by attempting which they would in reality take from it. An account of this discourse being given

to Mr James Webster, who was a man of great warmth but a narrow spirit, he took offence at it as latitudinarian, and after I had left Edinburgh censured me upon that account, publicly in the pulpit, making some peevish and angry reflections. Mr Carstairs with great mildness and prudence, afterwards replying in the same pulpit, I heard no more of the matter.'

p. 179. ['Another Lord's day I preached at Libertoun, three miles from Edinburgh, in the church of Mr Samuel Semple, whom I had left behind me at Westminster, labouring hard there in the Cotton Library, in order to making collections for an Ecclesiastical History of North Britain, some time in hand, though I cannot hear it is finished to this day. Mr Semple and I had agreed that he should take the liberty of my house at Westminster (and I of his at Libertoun) and sometimes preach for me and I for him.]

p. 168. The following conversation is reported by the Doctor with an old Lady, Mrs Yule, who was heartbroken because her son, a young preacher, was in no way to be satisfied without going into England, because, as she said, that 'they had not the gospel there.' 'Ah,' said she, 'he has given me a great deal of trouble by that unhappy fancy that no place would serve him but England. If he had but gone to where they had the gospel, I should not have been near so much concerned, whereas now I can have no rest in my spirit.' . . . I thereupon made inquiry what led her to imagine that we had not the gospel in England, as well as they in Scotland. 'Ah! sir,' said she, presently, 'I heartily wish you had it as well as we, for then I should be much more easy in my child's case than I either am, or have been, since he has been from me.' 'Why really,' said I, 'I cannot be more assured of anything than I am of this, that we have the gospel as well as you, and the very same gospel too; and I cannot allow myself to suppose that any of your ministers would offer to say anything to the contrary. I am at a loss to conceive where you have picked up this notion.' 'Ah! sir,' said she, 'either I have all along been mistaken in the gospel (which I think I have not), or you in England (though you, in some other things, are many degrees beyond us) have not the gospel.'

'My surprise continuing, I cried out, 'Prithee, good woman, let me know what this gospel is, that you have, and we have not. Let us a little carefully examine this matter, that we may understand one another rightly. I can give you the utmost assurance that our Bible in England is word for word the same with yours in Scotland, not only as to the Old Testament, of which some have too mean thoughts, but also as to the New, which is peculiarly styled the Gospel. From thence our ministers fetch the matter of the sermons they preach, as well as yours; nor dare we urge those that sit under our ministry to believe anything necessary

to salvation but what can be proved and confirmed from thence. That is the standard of truth with us as well as with you. In this you may very safely believe me.' 'Oh! sir,' said she, 'now you are upon faith; and I must own myself very sensible that your faith and ours is the very same.' I then said, 'That neither among them nor us did all that pretended to take the word of God for the rule of faith and life, conform to it, and follow it as they ought'

'That though I was heartily glad to hear there were so many in North Britain that backed their Christian profession with a suitable practice, the number of whom I prayed God to increase, yet if that were taken to be the case of all such as made a noise and stir about religion, and attended upon ordinances with an appearance of diligence, and pretended to be zealous for faith and purity, it would prove in the issue a gross mistake. On the other hand, though the number of serious Christians among us in England was far from being so large as were to be desired, and might, indeed, have been expected, considering the great advantages with which we had long been favoured. Yet there was reason to hope that a good number did sincerely fall in with God and his interest, and show the truth of their piety by its genuine fruits and effects.' 'Oh! sir,' said she, by way of reply, 'now you are fallen upon good works. As to them I must own that by the report I have heard I am inclined to believe you have more of them with you than we have among us.' 'Well then,' said I, (in order to a yet further trial), 'if the belief of what God has revealed, and the fruits and effects of that belief, where it is sincere and hearty, are the same with us and you, how can it be that you should have the gospel with you, and not we also among us?' 'Oh! sir,' said she, 'you have with you no Kirk Sessions, Presbyteries, Synods, and General Assemblies, and therefore have not the gospel.' 'And is that then,' said I, 'the gospel? I am sure it is a poor, meagre, and despicable gospel, if you rest there and carry the matter no further.' I could not help smiling at the woman's simplicity, and have often tempted others to do so, by relating this passage. Yet there is too much reason to be apprehensive that multitudes in all countries inwardly think what this poor woman did not stick to express, that they who have not among them those religious formalities and appendages they have been trained up in the use of, and been long accustomed to and taught to lay stress upon, are strangers to the gospel, notwithstanding they are hearty lovers of God and true godliness; the more is the pity.'" [Here the extracts end].

The Doctor wrote this dialogue after it had long been, as he tells us, one of his stock tales, and no doubt had been gradually elaborated, as all such tales are. If we had the account from the old lady's pen, it may be she would not appear to have been so easily convinced of the Doctor's soundness when he ignored her church's standard,

and to have volunteered the admission that the heretical south surpassed the north in good works ; and perhaps her trust in Kirk Sessions, &c., would have been otherwise expressed ; and above all it may be doubted whether the Doctor, in 1709, speaking to a Scotch woman in Scotland, would not have been a little more definite in stating the nature of the gospel which the Presbyterians of England possessed. But the story must be taken as conveying the teller's notions correctly ; and it is submitted that if his views on church government had been at all similar to those then prevalent in Scotland, the whole dialogue would have been very different on his part ; certainly if he and his brethren at home had Kirk Sessions and the other Presbyterian institutions, he would have told the old lady as much : for while he might have taught her that the gospel was something better, he would have guarded himself from being supposed to undervalue the church order and discipline which he himself observed.

The Doctor's tone in all these extracts is anything but that of a Presbyterian ; his remonstrance with Mr Wylie was in the spirit of a person of another denomination, and just such as an Independent would make ; he is anxious that the rights of ministers, presbyteries and synods, when all agreed in their conviction of what was right, should be sacrificed to please a lord ; the inquisition he complained of was ascertaining a minister's opinions ; his sermon at Edinburgh seems to have been an attack on the Scotch standards ; and his remarks to Mrs. Yule had the same tendency, and must have seemed to her in disparagement of orthodoxy. On the other hand his language cannot fairly be relied on as proving his heterodoxy, for it is in the style of the time, and his trinitarianism is again and again admitted in the Proofs ; though it may be admitted if we had to judge of his sentiments only from his Scotch tour, our inferences would not be favourable.

The sermon at Libberton is made the very most of in the Scotchmen's answers, by being referred to thus : ' In the year 1709 the minister of the Church of Libertoun, in Scotland, supplied with sermons the Church of Dr. Calamy, a well-known Presbyterian preacher in London at that time, and an intimate friend of Lady Hewley, while the said Dr. Calamy was on a visit to Scotland, and preached in the Church of Libberton for the said clergyman of that parish.'

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## No. 9.

A PLAIN AND SHORT CATECHISM BY THE  
REV. EDWARD BOWLES

"I have fed you with milk, and not with strong drink." 1 Cor. iii. 2.

"Ye have need that one teach you which be the first principles of the oracles of God."  
Heb. v. 12.

QUESTION. Who made you ?

ANSWER. God the Creator of heaven and earth. Acts xvii. 24, 25,

26. Gen. i. 1.

Q. To what end did he make you ?

A. He made me and all things for his glory. Prov. xvi. 4.

Q. In what condition did he make man ?

A. Righteous and happy. Eccles. vii. 29. Gen. i. 27.

Q. Did man continue in that estate ?

A. No : he fell from it by sin. Gen. iii.

Q. What is sin ?

A. Transgression of the law of God. 1 John iii. 4.

Q. What was the sin of our first parents ?

A. Eating the forbidden fruit. Gen. iii. 6.

Q. What was the fruit of that eating ?

A. It filled the world with sin and sorrow. Gen. iii. 14, 16, 17.

Rom. vi. 12.

Q. In what condition is the posterity of our first parents born ?

A. In a sinful and miserable condition. Rom. v. 17, 18, 19, and  
iii. 23.

Q. Wast thou born in that condition ?

A. Yes : I was conceived in sin, and am by nature a child of wrath  
as well as others. Psalm li. 5. Ephes. ii. 3.

Q. Hath thy life been better than thy birth ?

A. No : I have added sin to sin, and made myself above measure  
sinful. Rom. iii. 10. Col. i. 21.

Q. What if thou shouldest die in the condition thou wast born and  
bred in ?

A. I should perish everlastingly. John iii. 3. 2 Thess. i. 8.

Q. Is there no way to get out of this sinful and miserable estate ?

A. Yes. 2 Tim. i. 9, 10.

Q. Is it to be done by any power or righteousness of thy own ?

A. No : but God in his rich mercy hath appointed a way. Tit.  
iii. 4, 5.

Q. What way hath God appointed ?

A. Only by Jesus Christ. John xiv. 6. Acts iv. 2.

Q. What is Jesus Christ ?

A. The Son of God manifest in the flesh. Gal. iv. 4. 1 Tim. iii. 16.

- Q. What hath Jesus Christ done for man ?  
 A. He hath laid down his life for our redemption. Matt. xx. 28.  
 Col. i. 14.
- Q. What further benefit have we by him ?  
 A. Life and Salvation. John vi. 27, 48. Heb. v. 9.
- Q. Shall all men partake of this redemption and salvation ?  
 A. No : there are many who perish notwithstanding. Matt. vii.  
 13, 14. Phil. iii. 18, 19.
- Q. By what means may a sinner obtain a part in this redemption ?  
 A. By faith in Christ. Eph. ii. 8. John iii. 16.
- Q. What is it to believe ?  
 A. To rely on Jesus Christ, and him alone, for pardon and salvation according to the Gospel. John iii. 36. Acts xvi. 31. Isa. l. 10. John v. 24.
- Q. How doth the Gospel teach us to rely on Christ ?  
 A. So to cast our burden upon him as to take his yoke upon us. Matt. xi. 28, 29.
- Q. Why hath God appointed faith to this excellent use ?  
 A. Because faith gives him what he looks for, the whole glory of our salvation. Ephes. ii. 8, 9.
- Q. How is faith wrought in the soul ?  
 A. By the word and spirit of God. Rom. x. 14, 17. 2 Cor. iii. 6. John xvi. 7, 9, 10.
- Q. What call you the word of God ?  
 A. The holy scriptures, the Old and New Testament. 2 Tim. iii. 16.
- Q. Doth God work faith by the word read or preached ?  
 A. Ordinarily, by the word preached. Rom. x. 14. Ephes. i. 13. 1 Cor. i. 18.
- Q. In what order doth God work faith by the word ?  
 A. First he shews men their sins, and then their Saviour. Acts ii. 37. John xvi. 9.
- Q. Why doth he observe this order ?  
 A. That Christ may be the more precious to the soul. 1 Peter ii. 7. Luke vii. 47.
- Q. Doth not repentance go along with faith ?  
 A. Yes. Mark i. 15. Heb. vi. 1. Acts xvii. 30.
- Q. What is repentance ?  
 A. It is a sorrowful sense of sin, with a turning from it unto God. Acts xxvi. 20. 2 Cor. vii. 10. 1 Thessa. i. 6.
- Q. How is true faith further discerned ?  
 A. By its fruits. Gal. v. 6. Rom. v. 1. James ii. 18. Heb. xi. 39.
- Q. What are the fruits of faith ?  
 A. Love in the heart, peace in the conscience, holiness in the life. Gal. v. 6. Rom. v. 1. Acts xv. 9. 1 Peter i. 22.

Q. How doth faith work love ?

A. It lays hold upon the infinite love of Christ, and works a mutual love in us. 1 John iv. 19. Luke vii. 47.

Q. How must we express our love to Christ ?

A. By our love to Christians, and keeping his commandments. John xiv. 15. 1 John v. 1, 2.

Q. Are not the ten commandments the commandments of Christ ?

A. Yes : they are a special part of God's word, which is a rule of life. Psalm xix. 7. Matt. v. 17.

Q. What doth God look for from his redeemed people ?

A. That they should walk before him in holiness and righteousness. Luke i. 74, 75. Tit. ii. 12, 14.

Q. Have we strength of ourselves so to walk ?

A. No : without Christ we can do nothing. John xv. 5.

Q. How shall we obtain strength from Christ ?

A. By a diligent and right use of his ordinances. Isaiah xl. 31. Psalm ciii. 5.

Q. What are the ordinances of Christ to this purpose ?

A. The word preached, the administration of the sacraments, and prayer. Rom. x. 14, 15. 1 Cor. xi. 23. Matt. xxviii. 19, 20. 1 Thess. v. 17.

Q. When do we use the ordinances aright ?

A. When we mingle them with faith. Heb. iv. 2. James i. 6.

Q. How may it appear that Christ hath left such an ordinance as preaching ?

A. The Scripture tells me so. Ephes. iv. 11, 12. 2 Tim. iv. 2.

Q. What are the sacraments which Christ hath left to his church ?

A. Two : baptism and the supper of the Lord.

Q. What is baptism ?

A. It is dipping or sprinkling with water, in the name of the Father, of the Son, and of the Holy Ghost. Matt. xxviii. 19. Acts x. 47.

Q. What is the nature of this sacrament ?

A. It represents, and (through faith) seals the sprinkling of the blood of Christ, and the washing of the Holy Ghost. Acts xxii. 16. Tit. iii. 5. Acts viii. 37. Ephes. v. 26.

Q. What is done in baptism on our part ?

A. By it our names are given up to the profession of the gospel, and we are bound to walk according to it. Gal. iii. 27. Col. iii. 1. 1 Cor. vi. 11.

Q. What is the supper of the Lord ?

A. It is a solemn eating of bread, and drinking of wine, in remembrance of the death and bloodshed of Jesus Christ. Luke xxii. 19, 20.

Q. What is the end of this sacrament?

A. One main end is to shew forth the Lord's death till he come.  
1 Cor. xi. 26.

Q. What is the benefit of this sacrament to a worthy receiver?

A. It strengthens his faith, and confirms his love to Christ and all his members. 1 Cor. x. 16, 17.

Q. Who is the worthy receiver?

A. He who discerneth the body and blood of Christ, partaking thereof with faith and love. 1 Cor. xi. 28, 29. John vi. 56.

Q. What is the danger of unworthy receiving?

A. The unworthy receiver becomes guilty of the body and blood of Christ, eating and drinking judgment to himself. 1 Cor. xi. 28, 29.

Q. What is prayer?

A. It is a making our request unto God, according to his will, in the name of Christ. Phil. iv. 6. 1 John v. 14. John xvi. 23.

Q. Wherein lieth the strength of prayer?

A. In faith and fervency. Matt. xxi. 22. James i. 6, & v. 16.

Q. What other duties are especially required in a holy life?

A. Watchfulness and Christian communion. Matt. xxvi. 41.  
1 Cor. xvi. 13. Heb. x. 24. Col. iii. 16.

Q. Why must we watch?

A. For two reasons: First, because we walk in the midst of our enemies, the world, the flesh, and the devil. Matt. x. 16, 17. 1 Peter v. 8. Secondly, lest the day of death or judgment come upon us unawares. 2 Peter iii. 10, 12.

Q. Shall death come upon all men?

A. It is appointed for me and all men once to die, and it is good to remember it oft. Heb. ix. 27. Eccles. xii. 1. Psalm xc. 12.

Q. What is death?

A. A separation of the soul from the body. Acts v. 5. Eccles. xii. 7.

Q. What remaineth after death?

A. The general resurrection and the day of judgment. 1 Cor. xv. 12, &c. John v. 29. Acts xvii. 18.

Q. What is the work of that day?

A. To render to every man according to his works. Matt. xvi. 27.  
Rom. ii. 6.

Q. What shall be the condition of the godly after this life?

A. They shall be ever with the Lord. 1 Thess. iv. 17. John xvii. 24.

Q. What shall be the condition of the unbelievers and wicked men?

A. They shall perish with everlasting destruction from the presence of the Lord. 2 Thess. i. 8, 9. Matt. xxv. 41, 46.

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## No. 10.

The List of Recipients of the Hewley Fund on the last half yearly distribution by the Socinian Trustees 13th May, 1830, as returned in the Attorney-General v. Shore. The denominations are not distinguished in the original, but great trouble has been taken to ascertain them. Initials are used to express denominations, and occasionally counties: P. Presbyterian (Scotch), K. Kirk, S. Secession, R. Relief, Soc. Socinian, I. Independent, B. Baptist, G. General. The old Presbyterian chapels are marked with \* the old Independent ones with †. The spelling is corrected.

			£	s.	d.
P.	S. H. Thompson,	*Penrith, Cumberland	8	0	0
P.	K. George McFie,	*Birdhope Craig, Northumb.	5	0	0
I.	John Scott,	Parkhead, Cumberland	4	0	0
P.	K. James Mitchell,	*Wooler, Northumberland	4	0	0
P.	K. Hugh Miller,	Falston, Northumberland	5	0	0
P.	K. J. R. Brown,	Berwick	4	0	0
P.	K. James Stevenson,	Haltwistle, Northumberland	4	0	0
P.	K. James Richardson,	*Hexham, Northumberland	5	0	0
I.	Jonathan Harper,	*Alston Moor, Cumberland	2	10	0
P.	K. Alexander Trotter,	*Bavington Northumberland	2	10	0
B.	R. Pengelly,	Newcastle, Northumberland	2	10	0
I.	W. Robertson,	Blythe, Northumberland	4	0	0
P.	K. Matthew Brown,	*Morpeth, Northumberland	4	0	0
P.	K. James Bryce,	Stamfordham, Northumberland	4	0	0
P.	K. Cole Turner,	Workington, Cumberland	4	0	0
P.	K. Andrew Richardson,	Long Framlington, Northumb.	4	0	0
I.	John Walton,	*Blennerhasset, Cumberland	2	10	0
P.	K. James Patterson,	Harbottle, Northumberland	4	0	0
P.	K. William Rintone,	Mary Port, Cumberland	3	10	0
P.	K. George Gibb,	Thropton, Northumberland	4	0	0
P.	K. William Goldie,	Alnwick, Northumberland	8	0	0
P.	K. William Whitehouse,	Spittle, Northumberland	4	0	0
P.	S. R. Hunter,	*Carlisle, Cumberland	5	0	0
P.	K. James Laurie,	Tweedmouth, Durham	2	10	0
P.	K. Hamilton Murray,	Gateshead, Durham	2	10	0
P.	Andrew Hutchinson,	Warnford, Northumberland	4	0	0
B.	William Fisher,	Cold Rowley, Yorkshire	3	10	0
I.	Thomas Woodrow,	Carlisle, Cumberland	3	10	0
P.	K. James Kirkton,	Glanton, Northumberland	4	10	0
P.	K. George Boag,	Widdrington, Northumberland	4	0	0
P.	William Beattie Smith,	†Newcastle, Northumberland	2	10	0

B.	Samuel Ruston,	Oulton, Cumberland	2	10	0
P.	K. William Lander,	Bewcastle, Cumberland	5	0	0
P.	K. John Slate,	Wark, Northumberland	4	0	0
I.	Josh. Mather,	†Cockermouth, Cumberland	2	10	0
P.	S. Timothy Nelson,	*Salkeld and Plumpton, Cumb.	4	0	0
P.	S. John Smith,	*Newcastle, Northumberland	3	10	0
I.	R. H. Bonner,	†Ravenstonedale, Westmoreland	5	0	0
P.	S. John Thompson,	Belford, Northumberland	5	0	0
P.	James Ferguson,	Thorney Ford	4	0	0
P.	K. Newton Blythe,	*Branton, Northumberland	4	0	0
P.	K. Daniel Aitken,	*Etall, Northumberland	4	0	0
P.	K. James Paton,	Longtown, Cumberland	3	0	0
P.	S. John Young,	Bellingham, Northumberland	2	10	0
P.	S. John Anderton,	North Sunderland, Northumb.	4	0	0
Soc.	John Wright,	*Alnwick, Northumberland	3	0	0
P.	S. Thomas Young,	Norham, Durham	2	10	0
P.	R. Robert Arthur,	*Castle Garth, Newcastle, Nor.	2	10	0
P.	K. Alexander Hoy,	Felton, Northumberland	4	0	0
I.	John Capper,	KirkbyStephen, Westmoreland	4	0	0
B.	Alexander Kirkwood,	Berwick	2	10	0
I.	William Nichol,	Chester le Street, Durham	2	10	0
I.	Ralph Davison,	Newcastle, Northumberland	2	10	0
P.	K. James Laurie,	*Brampton, Cumberland	4	0	0
B.	James Douglas,	Hamsterley, Durham	2	10	0
P.	K. Walter Fairlie,	*Whitehaven, Cumberland	3	0	0
I.	William Furguson,	Haydon Bridge & Corbridge N.	4	0	0
I.	George Nettleship,	Penrith, Cumberland	2	10	0
Soc. q.	James Walter Lourie,	*Sunderland and Shields, Dur.	5	0	0
I.	James Rawson,	†Pontefract, Yorkshire	8	0	0
Soc.	John Beattie,	*Elland, Yorkshire	8	0	0
I.	John Rheeder,	*Ossett, Yorkshire	5	0	0
I.	Abraham Clarkson,	*Bingley, Yorkshire	4	0	0
I.	James Hatton,	Sowerby, Yorkshire	5	10	0
I.	John Preston,	*Mixenden, Yorkshire	4	0	0
Soc.	William Turner,	*Halifax, Yorkshire	12	0	0
I.	Thomas Hawkins,	Warley, Yorkshire	8	0	0
Soc.	James Hawkins,	*Nantwich, Cheshire	6	0	0
I.	William Tylor,	Keighley, Yorkshire	3	0	0
I.	John White,	*Northowram, Yorkshire	4	0	0
Soc.	Nicholas T. Heinekin,	*Bradford, Yorkshire	16	0	0
Soc.	J. C. Wallace,	*Preston, Lancashire	6	0	0
I.	T. H. Crisp,	Brighouse, Yorkshire	5	0	0
Soc.	Henry Green,	*Knutsford, Cheshire	7	10	0

Soc.	William Fillingham,	*Congleton, Cheshire	8	0	0
I.	James Hensley,	Wharton, Lancashire	2	10	0
I.	Amos Blackburn,	*Eastwood, Yorkshire	3	0	0
I.	John Newell,	Booth, Lancashire	2	10	0
I.	Thomas Bennett,	*Hatherlow, Cheshire	3	0	0
I.	William Gibson,	Hallfold, Lancashire	3	10	0
Soc.	James Taylor,	*Rivington, Lancashire	6	0	0
Soc.	William Tate,	Chorley, Lancashire	6	0	0
Soc.	Robert Smithurst,	*Monton, Lancashire	6	0	0
I.	John Battley,	Marple Bridge, Glossopdale Der.	2	10	0
P. K.	William Dinwiddie,	Wigan, Lancashire	6	0	0
I.	James Stewart,	*Partlington, Cheshire	3	0	0
Soc.	George Buckland,	*Dob Lane, Failsworth, Lan.	6	0	0
B.	Charles Thompson,	Halifax, Yorkshire	5	0	0
B. G.	Charles Hollingdrake,	Birchcliff, Hebdenbridge, York.	2	10	0
I.	S. Baines,	Wilsden, near Bradford, Lan.	4	0	0
I.	J. Crossley,	*Horwich, nr Bolton-le-Moors L.	3	0	0
B.	James Shuttleworth,	Cowling Hill, Kilwick Craven Y.	2	10	0
B.	John Pilling,	Goodshaw Chapel, Rossendale L.	3	0	0
I.	John Galland,	*Green Acres, near Oldham L.	2	10	0
I.	Solomon Ashton,	Stockport, Cheshire	2	10	0
Soc.	James Brookes,	*Hyde, Cheshire	6	0	0
I.	John Adamson,	Charlesworth, Glossopdale, Der.	2	10	0
I.	Thomas Jackson,	Bamford, Derbyshire	2	10	0
B. G.	Thomas Hudson,	Queenshead, near Halifax, Y.	2	10	0
Soc.	John Williams Morris,	*Dean Row, Cheshire	6	0	0
Soc. q.	John Marriott,	*Risley, near Warrington, L.	6	0	0
Soc.	William Harrison,	*Blackley, Lancashire	6	0	0
Soc.	F. M. Williams,	*Macclesfield, Cheshire	6	0	0
B.	John Jackson,	Hebden Bridge, Yorkshire	3	10	0
Soc.	William Duffield,	Thorne and Statfield, York.	6	0	0
B.	H. Ashton,	Burnley, Lancashire	4	0	0
Soc.	Samuel Parker,	*Stockport, Cheshire	7	0	0
Soc.	William Probert,	†Walmsley, Lancashire	6	0	0
I.	John Holker,	Netherfield, near Penistone, Y.	2	10	0
I.	Job Wilson,	*Northwich, Cheshire	3	10	0
Soc.	William Whiteleg,	*Platt, Lancashire	6	0	0
Soc.	B. R. Davies,	*Chowbent, Lancashire	6	0	0
I.	Thomas Sharp,	Skipton, Yorkshire	5	0	0
Soc.	Chas. D. Hort,	*Gorton, Lancashire	6	0	0
Soc.	Arthur Dean,	*Stand, Lancashire	6	0	0
Soc.	William Allard,	*Bury, Lancashire	6	0	0

Soc.	John Bayland,	*Hindley, Lancashire	6	0	0
I.	Peter Ramsey,	Haslingdon, Lancashire	4	0	0
Soc.	William Johns,	*Cross Street, Cheshire	5	0	0
Soc.	Franklin Howarth,	*Rochdale, Lancashire	6	0	0
Soc.	Charles Wallace,	Altringham, Cheshire	6	0	0
I.	Daniel Calvert,	Sandryke, Gisburn Forest, Y.	2	10	0
Soc.	John Ashworth,	New Church, Rossendale Lan.	6	0	0
I.	William Brewis,	Kirby Moorside, Yorkshire	2	10	0
I.	Robert Bell,	Stainland, near Halifax, York.	2	10	0
I.	Ralph Howgate,	Pateley Bridge, Yorkshire	2	10	0
I.	Robert Martin,	†Heckmondwicke, Yorkshire	2	10	0
I.	Jo. Dyson,	Hallshaw, near Bolton, Lan.	2	10	0
	George Dean,	Lidgate, Yorkshire	2	10	0
I.	Jo. Wadsworth,	Clitheroe, Lancashire	2	10	0
Soc.	James Taylor,	Rochdale, Lancashire	5	0	0
B.	J. Midgley,	Shore, Yorkshire	2	10	0
Soc.	John Gaskell,	*Duckenfield, Cheshire	6	0	0
B.	Thomas Mellor,	Risthworth, Yorkshire	2	10	0
Soc.	John Ingham,	Rawtonstall, Westmoreland	2	10	0
B.	Mark Holroyd,	Wainsgate, near Halifax, Y.	2	10	0
	Edward Hawkes,	Pendlebury, Lancashire	2	10	0
I.	James Wright,	Settle, Yorkshire	2	10	0
I.	One Student at	Airedale College, Yorkshire	10	0	0
I.	Samuel Rhodes,	Smallbridge, Lancashire	3	10	0
I.	Thomas Barker,	Eccleshill, near Bradford, Y.	2	10	0
I.	Thomas Hutton,	Allerton, ditto ditto, York.	2	10	0
B.	Robert Hyde,	Celandine Nook, near Hud-			
		dersfield, Yorkshire	2	10	0
Soc.	q. Henry Clarke,	*Newcastle-under-Lyne, Staff.	2	10	0
I.	R. M. Griffiths,	Kirkham, Yorkshire	2	10	0
Soc.	William Worsley,	†Gainsborough, Lincolnshire	5	0	0
	John Cropper,	*Moor Lane, Bolton, Yorkshire	3	0	0
I.	J. S. Hastie,	Otley, Yorkshire	2	10	0
I.	R. Aspinall,	Bury, Lancashire	2	10	0
B.	S. Winterbottom,	Howarth, near Halifax, York.	2	10	0
B.	John Spooner,	Heaton, near Bradford, York.	2	10	0
B.	Joseph Shaw,	Steep Lane, near Halifax, Y.	2	10	0
Soc.	J. C. Meeke,	*Stockton, Durham	6	10	0
I.	William Himmers,	*Great Ayton, Yorkshire	5	0	0
P.	K. Charles Toshach,	*South Shields, Durham	2	10	0
Soc.	Josh. Ketley,	*Whitby, Yorkshire	6	0	0
P.	John Wood,	Monkwearmouth, Durham	3	0	0
I.	Edward Stillman,	Keld, in Swaledale, Yorkshire	6	10	0
P.	John Matthews,	South Shields, Durham	6	0	0

I.	Gabriel Croft,	†Pickering, Yorkshire	2	10	0
B.	James Williamson	North Shields, Northum.	4	0	0
B.	William Hague,	Scarborough, Yorkshire	4	0	0
I.	John Allason,	*Feetham, Swaledale, York.	9	0	0
I.	James Buckley,	†Thirsk, Yorkshire	2	10	0
P.	William Lietch,	Hartley, Northumberland	4	0	0
P. S.	Robert Niel,	Wallsend, Northumberland	6	0	0
I.	George Brookes,	Leyburne, Yorkshire	2	10	0
I.	Andrew Carnson,	Cotherstone, Yorkshire	8	0	0
P. S.	Thomas Gilmore,	*North Shields, Northumb.	3	0	0
I.	Samuel Blair,	Guisborough, Yorkshire	2	10	0
P. S.	John Morris,	Houghton-le-Spring, Durham	2	10	0
Soc.	G. W. Elliott,	Prescot, Lancashire	5	0	0
I.	Abraham Hudswell,	*Morley, Yorkshire	8	0	0
Soc.	John Naylor,	Lydiate, Lancashire	8	0	0
I.	William Eccles,	Hopton, Derbyshire	4	0	0
I.	James Scott,	*Clackheaton, Yorkshire	5	0	0
B.	William Scarlett,	Gildersome, Yorkshire	8	0	0
I.	Thomas Laird,	*Pudsey, Yorkshire	8	0	0
Soc.	George Lee,	*Lancaster, Lancashire	6	0	0
I.	John Cockin,	Holmfirth, Yorkshire	2	10	0
I.	J. T. Mandano,	*Wem, Salop	4	0	0
Soc.	Francis Knowles,	*Park Lane, Wigan, Lancashire	5	0	0
I.	John Toothill,	*Rainford, near Prescot, Lan.	3	10	0
B.	Thomas Frearson,	Tottlebank, nr. Ulverstone, L.	4	0	0
I.	Robert Ellis,	Barnsley, Yorkshire	4	0	0
B.	John Rigby,	Blakeley, Lancashire	4	0	0
Soc.	Richard Shawcross,	Whitchurch, Salop	8	0	0
P.	James Ashton,	Lockwood, Huddersfield, Y.	3	10	0
Soc.	Henry Fogg,	*Ormskirk, Lancashire	8	0	0
I.	James Potter,	Houley, near Huddersfield, Y.	3	10	0
Soc.	Niel Walker,	*Wisbeach, Cambridgeshire	5	0	0
I.	James Bond,	Marsden, Yorkshire	2	10	0
I.	C. Witworth,	Shelly, Yorkshire	2	10	0
I.	Joseph Davis,	Ulverstone, Lancashire	3	0	0
I.	Jeremiah Aubrey				
	Thomas,	Domgay	4	0	0
	W. Lethom,	Lutton	3	10	0
I.	William Lees,	Dogley Lane, Huddersfield, Y.	2	10	0
Soc.	Thomas Johnston,	*Wakefield, Yorkshire	10	0	0
Soc.	H. Anderson,	*[Toxteth] Park, Lancashire	6	0	0
B.	John Underhill,	Edge Hill, Liverpool, Lan.	2	10	0
B.	William Muckley,	Thornhill, Yorkshire	3	10	0

I.	George Greatbatch,	Southport, Lancashire	2	10	0
I.	William Scott,	*South Cave and Elloughton Y.	4	0	0
I.	Thomas Hicks,	*Cottingham, Yorkshire	2	10	0
Soc.	Edward Higginson,	*Hull, Yorkshire	6	0	0
I.	J. Haydon,	*Swanland, Yorkshire	4	0	0
B.	Abraham Bury,	Bishop's Burton, Yorkshire	3	10	0
I.	William Hudswell,	Great Driffield, Yorkshire	2	10	0
B.	Robert Harness,	Bridlington, Yorkshire	4	0	0
I.	J. Wilkinson,	*Howden, Yorkshire	2	10	0
	John Collina,	Barrow, near Barton, Lincoln.	2	10	0
I.	J. Flocker,	Market Weighton, Yorkshire	2	10	0
I.	John Winterbottom,	Barton-upon-Humber, Lincoln.	2	10	0
Soc.	Charles Wellbeloved,	*York, Yorkshire	40	0	0
I.	William Howell,	*Knaresborough, Yorkshire	9	10	0
B.	James Edwards,	Shipley, Yorkshire	4	0	0
B.	John Moss,	Burton-upon-Trent, Staffordsh.	4	0	0
Soc.	Thomas Smith,	*Selby, Yorkshire	8	10	0
B.	John Yeaton,	Horsforth, Yorkshire	2	10	0
Soc.	Four Students	£12 10s. each, York.	50	0	0
B.	William Colcroft,	Bramley, near Leeds, York.	4	0	0
I.	William Norris,	*Ellenthorpe, Yorkshire	2	10	0
I.	Richard Jessop	Pocklington, Yorkshire	2	10	0
B.	Jonas Foster,	Farsley, Yorkshire	2	10	0
I.	R. L. Armstrong,	Wortley, Yorkshire	2	10	0
I.	Hugh Garside Rhodes,	Fulwood, Lancashire	3	0	0
Soc.	Peter Wright,	†Stannington, Yorkshire	6	0	0
Soc.	John Williams,	*Mansfield, Notts,	6	0	0
Soc.	Jacob Brettell,	†Rotherham, Yorkshire	8	10	0
I.	Jonathan Bencliff,	*Alfreton, Derbyshire	4	0	0
Soc.	John Platt,	*Doncaster, Yorkshire	10	10	0
I.	George Wright,	*Stamford, Lincolnshire	5	0	0
Soc.	Richard Naylor,	Hucklow, Bradwell, *Middleton, and *Ashford, Derbyshire	8	0	0
I.	C. Glossop,	*Chinley, Derbyshire	2	10	0
Soc.	Evans Jones,	Ripley and *Duffield, Derbysh.	7	0	0
Soc.	R. K. Philp,	*Lincoln, Lincolnshire	6	0	0
Soc.	Griffith Roberts,	*Boston, Lincolnshire	6	0	0
I.	D. Dunkley,	Loxley, near Sheffield, York.	2	10	0
Soc.	I. C. Holland,	*Loughborough, Leicestershire	5	0	0
Soc.	Ed. Higginson,	*Derby, Derbyshire	6	0	0
Soc.	M. Whitehouse,	*Ilkeston and *Findern, Derby.	8	0	0
Soc.	Robert Wallace,	*Chesterfield, Derbyshire	6	0	0
I.	Thomas R. Gawthorn,	Hedge, Derbyshire	2	10	0
Soc.	D. P. Davis,	Lea	3	10	0

An account of the distribution of Lady Hewley's charity in May, 1830, is given in the *Congregational Magazine* for 1832, from three lists published in the fourth number of the *Dissenter's Magazine*. The first of these lists contains 174 orthodox ministers, the second 59 Unitarian ministers, and the third 12 ministers of unascertained sentiments. The names are the same as those which we have printed, except that George Dean, Ledgate, and William Lethom, Lutton, are omitted, and instead we have J. Miller, Penruddock, P. £10, and G. Dean, Kitson Wood, York, B. £10. There are 244 items. Our list shows 64 Soc., 30 K., 11 S., 6 P., not assigned to any sect, 93 I., and 34 B. The greatest trouble has been taken to ascertain the denominations, but uncertainty is felt as to some names. In one of Mr Thomas Wilson's affidavits in *A. G. v. Shore*, the number of ministers recipients at the same division is stated at 238, divided as 66 Soc., 5 English P., 25 K., 13 Sec., 90 I., and 27 B., some no doubt being unknown.

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No. 11.

Extracts from the Answer of the Defendants in *Dill v. Watson*, the Clough Chapel case. 2 Jones, 55-60.

That the trust deed of 1736 was for the use and benefit of the Protestant Dissenting Congregation of Clough for the time being, and of every succeeding congregation of Protestant Dissenters or Presbyterians, who from time to time should assemble at the said meeting-house to worship God. That the distinguishing characteristics of Presbyterians, in this country, had been a certain form of church government under Presbyteries; and the free exercise of private judgment in matters of religion, unrestricted by creeds, confessions, or articles of faith formed or composed by fallible men. That Presbyterianism means merely a form of church government, whereby the supreme power of the church is vested in Presbyteries as to certain matters of discipline and regulation, but not as to matters of faith; and that it never has been used in this country to designate the belief in any particular doctrine, or subscription to any particular creed; but only to designate such religious societies as are governed by that peculiar discipline; and that it includes the Presbytery of Antrim and the Synod of Munster, as well as the Synod of Ulster; that the Presbytery of Antrim and Synod of Ulster are, within their respective limits, co-ordinate bodies, of distinct, independent, and equal authority, and that from the time of their separation until the year 1829, they continued closely connected, and on terms of friendly correspondence; the ministers licensed or ordained by the one being recognized as regular Presbyterian ministers, and ordained and installed freely into the congregations of the other; that from 1726 to 1829 the congregations under the care of each had been in the habit of

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changing from the one body to the other, without their right to do so being ever called in question ; and that such changes were recognized both by the Synod of Ulster and Presbytery of Antrim ; and that every congregation so changing retained its identity and discipline as a congregation of Protestant Dissenters or Presbyterians, without forfeiting its rights or privileges, or having its title to its meeting-house, or to the royal bounty, disputed : that both amongst the members of the Synod of Ulster and the Presbytery of Antrim there have always existed, and still do exist, various differences of opinion on points of doctrine ; but that nevertheless they agreed in confessing the general principles of Presbyterianism, and in continuing to be Protestant Dissenters, whose distinguishing characteristic did not so much consist in any particular article of faith, as in asserting the right of every professor of Christianity to form his own judgment on its divine truths, unrestricted by subscription to any specific confession of faith ; and they denied that there was any difference in doctrine or discipline between the Synod of Ulster and the Presbytery of Antrim, as bodies, save that the Synod of Ulster had left subscription to the Westminster Confession of Faith optional, whereas the Presbytery of Antrim had invariably declined to enforce such subscription.

That they did not believe that the Rev. H. Williamson conformed to the discipline of the Synod of Ulster, with respect to subscription to the Westminster Confession of Faith, if such subscription was then any part of its discipline ; and alleged that from 1611, which was the commencement of the Presbyterian settlement in Ulster, until 1705, no subscription whatever to any articles of faith was required from any of the members of the Synod ; that the law of 1705, mentioned in the bill, was not invariably observed from the period of its enactment until the separation of the Presbytery of Antrim from the Synod of Ulster of 1726 ; and from thence to the present time, subscription to the Westminster Confession of Faith has been called for or not, according to the pleasure of the Presbytery whose license to preach was required, and that it is not now the rule of the Synod.

That the members who afterwards composed the Presbytery of Antrim did not separate from the Synod of Ulster, on account of any difference in their doctrines, but because the former were of opinion that to require subscription to any creed was inconsistent with the right of private judgment, and the principles of Presbyterianism ; and that in the proceedings which took place in the Synod of Ulster in 1723, 1724, and 1726, the Rev. H. Williamson joined the non-subscribing members in protesting against the right of that Synod to enforce such subscription.

That they believed that the Rev. H. Williamson preached the same



doctrines generally as those of the seceding non-subscribing members ; and that his opinion agreed with their own ; and that he was a determined opponent to subscription ; that the doctrines of the Rev. Mr Porter and the Rev. Mr Campbell were the same as those of the defendants in all important points, and more particularly that they were both determined opponents to subscription ; and that nearly during the whole time from 1736 to 1829 the congregation of Clough, though in connection with the Synod of Ulster, was a non-subscribing congregation.

That they were unable to state the particular religious tenets of the majority of the congregation of Clough ; but that the one great leading principle in which, and in which alone, all were unanimous, and which they avow is their distinguishing one, is the principle of taking their Bibles only as the rule of faith and practice, unrestricted by creeds, confessions, or tenets, and that they believe this to have been the distinguishing tenet of that congregation for upwards of a century ; but that in other points they vary according to their private judgment, some holding the leading doctrines of the Westminster Confession of Faith, and some not ; and that they believed that the ministers and a majority of the congregation, since 1772, have been of the latter class ; and they further said, that the Rev. David Watson held the same doctrines as he held when he was in connection with the Presbytery of Dromore, which was a Presbytery in connection with the Synod of Ulster.

That in a Presbyterian congregation a simple majority is sufficient to decide in all cases except two, namely, the choice of a minister and the choice of a singing clerk ; in which cases, by express laws of the Presbyterian church, a majority of two-thirds both of voters and stipends is necessary ; and in justification of their transferring themselves to the Presbytery of Antrim, they set forth in their answer some examples of such transferences from the Synod of Ulster to the Presbytery of Antrim, et vice versâ ; and submitted, that, independent of any positive law on the subject, constant usage had established the right of the congregation to make such transitions.

That in this country, from the earliest times, Presbyterian worshipping societies were separated from the Established Church on the ground of a difference as to church government, and on the ground of claiming and exercising the unrestricted right of private judgment on matters of faith, and not on the ground of holding peculiar religious doctrines ; and that while the Presbyterian discipline continued in the congregation of Clough, the congregation, however the religious principles of its individual members might vary, was still the same congregation ; and that the majority of regular seatholders qualified to vote according to Presbyterian rules was to be considered as the congregation ; that a connection with

the Synod of Ulster was not mentioned in the trusts of the grant of 1736, nor under the circumstances set forth was such connection to be implied as necessary to give a right to the use of the premises thereby granted for Presbyterian worship; and that usage and example fully authorized the change of the congregation from the Synod of Ulster to the Presbytery of Antrim without any forfeiture of rights or sacrifice of congregational identity thereby; and that although the defendants as individuals, did not believe in many of the doctrines which the Synod of Ulster now seeks to account orthodox, while some of the hearers of the defendant Watson do believe in such doctrines, yet that the only distinguishing and professed tenet of his congregation is the same which distinguished and was professed in Clough, in and before the year 1736, namely, non-subscription, and the absence of restraints on private judgment in matters of religious opinion.

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No. 12.

Extracts from the chief Answer in *Anderson v. Watson*, the Killinchy chapel case, as to the general question between the Synod of Ulster and Seceders from it to the Presbytery of Antrim, or the Remonstrant Synod.

Contractions are used: K. Killinchey, U. Ulster, G. General; R. Remonstrant, S. Synod, C. of S. Church of Scotland, C. in I. Church in Ireland, S. of M. Synod of Munster, P. of A. Presbytery of Antrim, P. Presbyterian, M. Minister or Ministers, W. Westminster, C. Confession, F. Faith.

\* \* \* \* \* The trusts in the said indenture are not for the use of the said P. congregation of K. for ever, in connection with the General S. of U. or with any other S. Presbytery or religious body whatsoever other than such P. bodies as should from time to time for ever be adhered to, selected, chosen, and approved of by the major part of the heads of families, who should from time to time assemble and meet together for the public worship of God at the said meeting-house; and it evidently was the meaning and intention of the said parties to the said indenture of release, to maintain their congregation, and the property belonging to it, independently for the worship of God, according to the conscientious belief of the majority of the P. worshipping therein, without being subjected to the changes of discipline of any S., Presbytery, or other ecclesiastical body, and without being required to subscribe the said W. or any other C. of F., or in any manner to express or declare their adherence to the same.

For many years previous to the said year 1740, and more especially

from the year 1720 to 1726, the P. body in the north of Ireland was much distracted by contest and discussions concerning the enforcement of subscription to the W. C. of F., and the doctrine of the Trinity, and several measures were taken by certain members in the S. of U., against such M. as refused to subscribe to the said C., and James Reid, the then M. of the congregation of K., as a member of the S. of U., recorded his protest on two several occasions against the measures so taken by the subscribing members of said S. against the non-subscribers to the said C. of F.

In or about the said year 1726, a number of congregations theretofore belonging to the said S., did, in consequence of the attempts so made as aforesaid to enforce subscription to the said W. C., withdraw from the said S., and formed themselves into a non-subscribing P. body, then and hitherto called and known by the name of the P. of A. ; and if it had been the intention of the said parties to the said release of 1740, that the premises thereby granted should for ever thereafter be solely for the use and accommodation of such M. of the said congregation as should subscribe to said C., and conform to every future alteration of the laws of the S. of U., and for the use of such members of said congregation as should adhere to such subscribing and conforming M., and under all circumstances remain in connection with the said S., without any power of withdrawing from the same, as other congregations theretofore had done, the same would have been fully, plainly, and unequivocally set forth among the trusts contained in and declared by the said indenture. The omission of any such declaration of trust is evidence that it was not the meaning and intention of the parties that any such trust should be declared thereby, or implied therefrom, and since the separation of the said body of Remonstrants from the said S. of U., in new leases or grants of land for similar purposes, obtained by congregations in connection with the said S. of U., an express declaration of trust has been inserted demising or granting the same to such congregation only, so long as they shall continue in connection with said S. of U.

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The S. of U. did not, from the earliest period of its history till the present time, regard as an essential doctrine of Christian Faith, or a necessary condition of membership the doctrine of the Trinity, as maintained by the aforesaid C. of S., or as explained and embodied in certain articles of the book commonly called and known by the name of the W. C. of F. ; but on the contrary there has been, since the earliest period of the history of the said S., a great diversity of opinion among the members of the said S., as to the said doctrine of the Trinity ; and whether the majority of the members of the said S. adhered to the said doctrine, and conscientiously believed therein, defts. cannot set forth, for

the reason, among others, that during all the time of the early history of the said S., it was by statute made unlawful publicly to impugn the said doctrine, and persons impugning the same were thereby subjected to grievous temporal punishment, in consequence whereof, the opinions of such members of S. as did not believe in the said doctrine have not been preserved in public and authentic records; but whilst subscription to the W. C. of F. was rigorously enforced on all intrants to the ministry of the C. of S., no such universal practice was acted on by the several presbyteries constituting the S. of U., or the M. thereof, some of which absolutely refused to subscribe any Creed or Confession framed by fallible men, whilst others subscribed said W. C. with such qualifications, provisos, and omissions as suited the particular opinions of each M.; so that at all times up till a very recent period of the history of the P. C. in I., the free exercise and right of private judgment in matters of religion, unrestricted by Creeds or Confessions, were respected and permitted by the said S. of U., and the several presbyteries constituting the same, notwithstanding frequent attempts by many intolerant and exclusive M., who from time to time endeavoured to enforce their own individual opinions as an unerring test of true religious belief, by which the consciences of their fellow Christians and brethren of the ministry should be guided and controlled.

In or about the year 1705, it was declared by the said S., or by such M. as happened at the time to be present and acting as the S. of U., that "such as are to be licensed to preach the Gospel should subscribe the W. C. of F. to be the confession of their faith, and promise to adhere to the doctrine, worship, discipline, and government of the said church, as also those who had been licensed, and had not subscribed, should be obliged to subscribe before they be ordained amongst them;" but notwithstanding said declaration, the several presbyteries of the S. continued to ordain M. without any subscription to said confession, or with such qualified subscription as permitted the exercise of private judgment by the persons entering upon the ministry, and such changes of opinion upon speculative doctrines, as might from time to time occur in the exercise of such judgment; that in or about the year 1720, the Rev. Samuel Halliday was installed in the old congregation of Belfast, in connection with the S. of U., upon a declaration in the words following: "I sincerely believe the Scriptures of the Old and New Testament to be the only rule of revealed religion, a sufficient test of orthodoxy or soundness in the faith, and that they settle all the terms of ministerial and Christian communion, to which nothing may be added by any S., Assembly, or Council whatever; and I find all the essential articles of the Christian doctrine to be contained in the W. C. of F., which articles I receive upon the sole authority of the Holy Scriptures,"

The conduct of the Presbyteries in ordaining the said Samuel Halliday having been brought before the S. in the year 1721, for the purpose of censuring, or preventing the ordination of a M. on such a subscription, the persons who were favourable to unqualified subscription were defeated in their attempt.

The said S. hath not always considered and particularly enjoined, as an essential part of the duties of all M. in connection with such S. to preach the said doctrine of the Trinity, and the other doctrines in the said W. C. of F. contained, and to teach the same to their respective congregations; nor was it ever the practice of the M. in connection with the S. of U., or the majority of them, to preach all the doctrines in the said C., or to teach them to their congregations; for, on the contrary, several most important doctrines taught and contained in the said C., are now, and always have been, either openly disavowed, or else kept completely in abeyance by a great number of the M. composing the said S., particularly the entire 3rd chap. of the said C., entitled, "of God's eternal decree," and that part of section 3, chap. 10, touching elect infants dying in infancy, and that part of section 4, of the same chap. which teaches "that men not professing the Christian religion cannot be saved in any other way whatever, be they ever so diligent to frame their lives according to the light of nature, and the law of that religion they do profess, and that to assert and maintain that they may, is very pernicious and to be detested;" and the entire 17th chap. which inculcates the doctrine commonly called the perseverance of the saints, and section 3, chap. 23, touching the authority of the civil magistrates in spiritual things, and section 2, chap. 30, which asserts the power of church officers, as persons to whom the keys of the kingdom of heaven are committed, respectively to retain and remit sins.

The said S. did, in or about the year 1721, declare it to be their resolution, that if any person or persons should thereafter deny the said doctrine of the Trinity, they should proceed against such person according to the laws of the Gospel, and the known practice of the church, and not to own him or them as M. of the said church; but the said S. did not carry their said resolutions into practice or effect; nor was the denial of the Trinity prevented thereby.

Many persons who do not believe the Trinity to be a doctrine of revelation, or founded on the Word of God, and who have always disavowed that doctrine, have freely assented to much of the said C. of F., and been willing to express their assent to the said C., so far as they considered it agreeable to the Word of God. And such was the meaning of the qualified subscription which most of the presbyteries in the S. formerly accepted, and the giving of such qualified subscription was always understood to save to the persons giving it a right to

form such opinions on speculative doctrines, and alter those opinions as in their consciences they might from time to time think right.

Defendant Watson, before being licensed, gave a qualified assent and subscription to the W. C. of F., so far as the same was agreeable to the word of God, and to that qualified assent he has always adhered, and still does adhere; but never did give an unqualified subscription to the said C., nor believe, nor profess to believe, in all the doctrines therein contained.

Defendants Watson, Hay, Reid, Osborne, and Clark, although fully receiving the many passages of Scripture which ascribe the most exalted dignity to the character of our Blessed Lord; though reverently believing that he is the brightness of his Father's glory, and the express image of His person, and that God was in Christ reconciling the world to Himself; yet, after an anxious, and as they hope and believe an unprejudiced, investigation of the sacred Scriptures, have not been able to discover any satisfactory evidence of the Supreme Deity of the Saviour, and his perfect equality in power with the Father of all; and therefore they are not believers in the doctrine of the Trinity, as the said doctrine is defined in the said W. C., and in other creeds and confessions popularly received.

Defendant Barry is now, and always has been, a believer in the said doctrine of the Trinity, and he and other Trinitarian members of the congregation of K. agreed with the other defendants in this cause in separating from the said S. of U., because they considered their P. privileges to have been invaded by the said S. in the measures herein-after set forth.

Previously to defendant Watson being licensed by the presbytery of Dromore in said bill mentioned, he examined attentively the said W. C. and having been unable upon scriptural grounds to satisfy his mind of the truth not only of the Trinity, but of some other doctrines therein contained, he communicated his said difficulty to a member of the said presbytery, who thereupon intimated to him that a qualified subscription to the said C. would be sufficient; and accordingly he, before being so licensed, signed the said C., but only in a qualified form, as above mentioned; at this distance of time he is unable to set forth the precise form in which he so subscribed as aforesaid, but he believes it to have been a declaration that he subscribed the said C. so far as the same was agreeable to and founded upon the Word of God.

He never did subscribe the said C. except upon the said occasion, in any manner or form whatsoever; and with the said qualification which he thought it necessary to insert, in consequence of his conscientious scruples, he cheerfully subscribed the said C., inasmuch as he conceives that the said C. contains, over and beyond all disputed articles, all the important doctrines of the Christian faith.

He believes that he never did, at the period of his being licensed, or at the time of his ordination, or at any other time whatsoever, profess to believe the said doctrine of the Trinity ; but having always conscientiously regarded the said doctrine as one of great doubt and difficulty, as one not essential or practically important to salvation, and being at the same time of opinion that the discussion of disputed speculative tenets generally produces angry feeling and little practical advantage in a Christian congregation, he, during all the period of his ministry, both before and since the separation of himself and his said congregation from the S. of U., has avoided preaching on or discussing the subject of the Trinity ; and he does not recollect that he did, either before or since the said separation, either in private conversation or public discourse, declare opinions opposed to the said doctrine ; but not assenting to the said doctrine, he may possibly have done so.

Defendants, both immediately and since their said separation from the said S. of U. have held the same views respectively, in regard to the said doctrine of the Trinity, which they respectively held during the whole time of their connection with the said S. ; and in so separating from the said S., they were in no way influenced by any regard to the doctrine of the Trinity, or any other disputed doctrine, but acted solely from a conscientious desire to defend and preserve their P. rights and privileges, which were violated by the said S., and the committee of said S.

Defendant Watson has always conformed to the discipline, and submitted to the authority and jurisdiction of the said S. of U. in all matters of ecclesiastical government, until the said S. of U. made essential and important changes and alterations in their church government and discipline, as hereinafter more particularly set forth.

Although a subscription to the W. C. of F. either with or without qualification and modifications, appears in several of the proceedings of the said S. to be recommended and required, said C. of F. never was in all its parts and with all its doctrines the bona fide standard of religious faith of the said S., or of a majority thereof, up to the time of a separation of a large body of the M. and people, who afterwards associated themselves together as the R. S. of U. So far was the said S. from requiring assent to all the doctrines of the W. C., that the practice of subscribing it fell rapidly into disuse, so that in and previous to the year 1814, out of fourteen presbyteries which at that time constituted the S. of U., eleven presbyteries did not require any form of subscription to the said C., and the three remaining presbyteries only required a modified and qualified subscription ; in like manner the said congregation of K. has, during all the time aforesaid, from the earliest period of the S. of U., been in connection with the

said S., and adhered to the principles of Protestant dissenters where it was founded, and submitted to its discipline and government, until radical and fundamental changes were made in the discipline and church government of the said S., and a new system of church government and discipline introduced therein ; inconsistent with and in violation of the ancient and established discipline of said S., and contrary to all its former laws and regulations ; uniformity of religious faith, as to the doctrine of the Trinity, never at any time prevailed in the said congregation of K. : and the said congregation of K. doth not now continue to adhere to the said S. of U., but hath by the voice of the major part of the heads of families worshipping within the said congregation, placed itself under the jurisdiction of the presbytery of Bangor, one of the presbyteries of the R. S. of U., which said R. S. consists of a number of ministers and congregations, formerly a part of the S. of U., and which separated therefrom in consequence of the fundamental changes introduced in the government and discipline thereof, together with certain new congregations which have since sprung up in connection with the said S., and which said R. S. still retains the ancient code of discipline, laws, and regulations of the S. of U., and is governed thereby ; in the year 1814, at which time great difference of practice as to subscription prevailed among the presbyteries of the S., a number of old and influential members of the said S. were appointed to prepare a code of discipline of the P. church for the consideration and approbation of the said S., as declaratory of its constitution and discipline, for the direction and guidance of the several presbyteries of the said S. ; and in pursuance thereof, a code of the discipline of the said church was, after the labour of various bodies appointed by the said S. for a period of about ten years, finally completed in the year 1824, and was printed and distributed among all the M. and congregations of the said S. previous to the general meeting of S. of the said year 1824. And at the regular annual meeting of the said S. of U., for the said year 1824, the said code of discipline was solemnly adopted as the constitution and discipline of the P. church, only two M. dissenting therefrom, and was afterwards published by authority of the said S. of U.

The said code of discipline contains, among other things, directions for the licensing of candidates for the ministry, whereby presbyteries, so far from being compelled to exact even a qualified subscription to the W. C. on the doctrines therein contained, were left at liberty to ascertain the religious sentiments of candidates, and the soundness of their faith, by such questions as the particular presbytery should think necessary.

Soundness in the peculiar doctrines of the W. C. of F. was not prescribed or required by the said code from candidates for license ; and



the latitude of expression in that respect, in the said code, was designed, among other things, for the purpose of embracing those who did not believe in the peculiar doctrines of that C. ; and defendants rely upon the said code of discipline as declaratory of the previous practice and discipline of the said S., prior to the publication thereof, and as contradicting the allegation that subscription to the W. C. of F. was a fundamental principle of the government and discipline of the said S. of U., and of the terms of communion thereby imposed.

Under the laws, usages, and discipline of the said S. of U., M. were licensed and ordained to the different congregations of the said S., who entertained views of the Christian doctrine different from each other, some being Calvinists, some Arminians, other Trinitarians, and others avowed Unitarians, without any subscription to the W. C. of F. ; and the highest and most confidential situations in the church were from time to time held by said M., without any distinction as to the peculiar tenets of their religious belief, some being moderators, others clerks of S. and of presbyteries with the custody of the records and documents of the church. And the said S., down to the year 1828, was always accustomed freely to receive and ordain in its congregations licentiates from the P. of A. and S. of M., though the individual members of these bodies were reputed to entertain and avow anti-trinitarian principles.

The said S. of U. continued to be governed according to its ancient laws and discipline, declared and confirmed by the said code of discipline, approved of by the said S. in the year 1824, without any interference with the exercise of private judgment, until some time in the year 1827, when a number of M., disregarding the right of private judgment, sought to remove the Rev. Wm. Porter from their clerkship, on the ground of his having avowed Arian opinions. But it being admitted that his anti-trinitarian sentiments were known at the time of his appointment, the said attempt failed.

At the meeting of the S. in the year 1827, a majority of the members then present, several of whom had previously combined for the purpose, did, from an intention to check the exercise of private judgment in matters of faith, carry a motion by which it was declared that the said S. did firmly hold and believe the doctrine concerning the nature of God, contained in these words of the W. Shorter Catechism : " That there are three persons in the Godhead, the Father the Son and the Holy Ghost, and that these three are one God, the same in substance, equal in power and glory," and that the members then absent should be directed to attend the next meeting of S., to express their belief concerning the foregoing doctrines ; and that such of them as did not attend, should send to the said meeting an explicit declaration of their sentiments on that point.

A protest was entered into by several M. and elders then present, against the said resolutions, as unscriptural, and inconsistent with the principles and laws of the P. C. in I.; and afterwards at the general meeting of said S., in 1828, about sixty M. and seventy-seven ruling elders, either disavowed the said doctrine, or expressed their disapprobation of the proceedings of the S., and refused to declare their assent to the doctrine.

In 1827, the defendant Watson opposed the said proceedings, and refused to take the test so put forward by said S.

Although a majority of the M. of the said S. may have professed belief in the said doctrines in the said years 1827 and 1828, still every M. and elder of the said church was by the constitution, discipline, and long established practice thereof, left to the free exercise of his private judgment with regard to the said doctrine, and had no practical accredited standard of faith except the common Protestant standard, the Scriptures of divine truth, in the interpretation of which the M. and people enjoyed unrestricted liberty, as was testified by the numerous and acknowledged differences of doctrinal opinions amongst its members.

In the said year 1828 the said S. passed a certain series of enactments for the purpose of more effectually preventing the admission into the S. of M. holding doctrines opposed to those of the W. C. of F. But the said enactments were passed in opposition to, and in direct contravention of, the principles and long established usages of the said S., under which the then existing M. thereof had entered upon the ministry, in the several congregations of the said S., in disregard of the powers and rights of the presbyteries, also in direct violation of the enactments of the said code of discipline of 1824, and without observing even the forms of procedures enjoined thereby.

The said enactments are null and void, and should have no effect or operation in the ecclesiastical jurisdiction of the said P. church.

The said overtures were not even permitted to be for a year on the books of the said S., as prescribed by the said code, but were introduced and passed under the influence of popular excitement, without being submitted, as required by the said code of discipline, either to the S. or the several presbyteries thereof, to be publicly discussed and deliberately considered and reported upon.

About sixty M. and elders of the said S. opposed and voted against the said enactments, and a protest was entered against the same, in which defendant Watson joined, on the grounds, among others, that the imposition or adoption of human tests, or creeds, was unnecessary, unwise, unscriptural, and contrary to the principles and practice of the P. C. in I., and could not produce uniformity of religious faith, and tended to interfere with the rights of congregations to choose pastors of such religious sentiments as they thought proper.

In the year 1829, the S. having disregarded a written remonstrance against the said proceedings, which had been widely circulated through Ulster, and was signed by eighteen M., fifteen licentiates, and one hundred and ninety-seven ruling elders, and very many individual members of congregations, appointed a committee to meet with the said remonstrants and settle the terms of separation; which committee accordingly met them in September 1829, and matters being put in train for a peaceable separation, seventeen M., with the major parts of their congregations, retired from the said S. of U., and formed themselves into the R. S. of U.; and in May, 1830, put forth a declaration of the principles of their constitution, containing among others the following passages, namely: "1st. That the Scriptures of the Old and New Testament are the only infallible rule of faith and duty, and contain all knowledge necessary to salvation. 2nd. That it is the inalienable right of every Christian to search these records of Divine truth for his own instruction and guidance, to form his own opinions with regard to what they teach, and to worship God in sincerity, agreeably to the dictates of his own conscience, without privation, penalty, or inconvenience inflicted by his fellow men. That the overtures of the G. S. of U., passed in the year 1828, imposed submission to human interpretations of the Word of God, in a form more objectionable than has ever been attempted in any other church, by subjecting M. to deposition at any time, however acceptable and useful to their people, and by submitting students and licentiates to the absolute control of a secret committee, of whose principal proceedings no records are kept, and who must necessarily be liable to act under the influence of personal partiality or prejudice, selfish interest, or local connections. That these overtures not only subject students, licentiates, and M., to possible injustice and dangerous temptations, but likewise trench upon the most valuable privileges of the people in the free election of their own pastor, inasmuch as their choice is restricted to persons professing to hold opinions approved by the committee of examiners, although such opinions may be directly opposed to the views of sacred truth entertained by the congregations. That we consider these enactments as a violation of the fundamental principles of Protestantism, subversive of the liberal laws and usages of our church, and a direct breach of the solemn compact under which those of us who are M. entered the S. of U. That we adopt the code of discipline sanctioned by the G. S. of U. in 1825, as the law of discipline in this church. And to show that we are not guided in pursuing this course by any view to promote the advancement of any set of doctrinal opinions to the exclusion of others, we hereby publicly and solemnly guarantee to the congregations which are under our care, and to those who may hereafter form a portion of our church, the

full, free, and unrestricted exercise of their unquestionable right to elect, in all cases of vacancy, M. entertaining such views of divine truth as the congregations may themselves approve ; that to secure the exercise of this great privilege in the fullest extent, the M. and licentiates of the C. of S., of the S. of U., the S. of M., and the P. of A., together with the M. and licentiates of any other Protestant churches, who may be sufficiently recommended to us by their character and talent, their education, and their aptness to teach, shall be eligible to the vacant congregations under our care."

Amongst the persons who so formed the R. body, there was not a uniformity of faith as to speculative doctrines ; but some held Trinitarian opinions, and others held opinions contrary to the said doctrine of the Trinity, and some other doctrines in the said W. C. of F. ; and they so retired with the full assent of the remaining members of the S. of U. They cannot be said, by such their separation, to have become wholly distinct and separate in doctrine and discipline from the said G. S. of U., although they ceased to be under their jurisdiction, or to have since so continued distinct and separate in doctrine and discipline. But, on the contrary, the general principles and discipline of the said R. S., are the same as were originally maintained by the said S. of U., and have been generally maintained from the earliest period of its history, until the said year, 1827 ; and any distinction or difference which now exists arises from the departure of the S. of U., in 1827, from the ancient discipline of the P. C., and those M. and congregations who now constitute the R. S. of U., have at all times heretofore, and still do faithfully adhere to the original principles of the long established usages and salutary customs of the said P. C., and have continued to retain and steadily observe the provisions of the said code of discipline, in all its parts.

Whatever may be the opinions of individuals in the R. body, it is not true that the said R. S. has always professed, or has ever professed, religious doctrines directly or at all opposed to the said doctrines of the Trinity, or to any other doctrine or doctrines regarded by the G. S. of U. as essential doctrines of the Christian faith. For, on the contrary, the said R. S., in a collective capacity, and as an ecclesiastical body, professes no distinctive opinions upon the Trinity, or any other speculative doctrine in controversy amongst Christians, the said R. S. having been expressly and bona fide formed for the purpose of asserting those liberal principles of Irish Presbyterianism from which the G. S. of U. had departed as aforesaid, and, having adopted as its code of discipline the code of discipline aforesaid, so solemnly adopted as aforesaid by the S. of U. in 1824.

The said R. S., as a religious association, is founded solely and

exclusively upon the basis of unrestricted liberty of conscience in the interpretation of sacred Scripture, and leaving all M. and congregations in connection with the S. perfectly free to form and promulgate their own views of divine truth.

The true reason why the said R. S. is at present composed of individual M. who dissent from the doctrine of the Trinity and certain other doctrines of the W. C. (which these defendants admit is reputed to be the case,) is contained in the fact already stated, that the innovation by a majority of the G. S. of U., at the time aforesaid, upon the old and established discipline and usage of that body, operated, and was avowedly intended to operate, against M. dissenting from the said doctrines, who were thereby compelled to withdraw from the said S., not for the purpose of professing any peculiar sentiments whatsoever, but solely for the purpose of perpetuating the ancient rights of Presbyterians and the discipline of Presbyterianism, which the said S. of U. had recently laid aside.

At no time from the first formation of the said S. of U. did there prevail any uniformity of doctrine among the M. and members thereof, as to the doctrine of the Trinity, and several of the other doctrines in the W. C. of F. And in support of this opinion defendants refer to the evidence of many members of the G. S., the records of their late protracted proceedings and repeated discussions as to uniformity of doctrine, and to the publication and avowed opinions of several members of the said S., and to the licensing of young men who were declared by the S. itself to have made unfounded exceptions to the phraseology of the W. C. of F., and to have given erroneous explanations of the worship of Christ.

Up to the present time several of the M. of the said S. held opposite opinions as to several of the doctrines of the said C. of F., and have not yet practically agreed on any acknowledged standard of doctrine; and although, in August, 1836, a majority of that body adopted unqualified subscription to the W. C. as their rule, yet the said resolution was opposed by a large minority of the S.

Defendants rely upon the facts stated in the history of the I. P. C., a part of which have been put forward in the present answer, as affording abundant evidence, that whatever rules and resolutions may have been from time to time adopted at particular meetings of S., still the distinguishing principle of the said S. from its original formation until the said year 1828, and of the I. P. body generally, was, not the doctrine of the Trinity, or the doctrines of the W. C. of F., but the free exercise of private judgment in matters of religious faith, unfettered and unrestricted by Creeds, C., or Articles of F., framed and composed by fallible men, and the adoption of the Holy Scriptures as the only unerring guide of F. and practice.

That the S. of U. was not, until the said change in its constitution, similar to the said C. of S. in doctrine or discipline, inasmuch as the said C. of S., at all times since their adoption of the W. C., required unqualified subscription thereunto from all persons entering upon the ministry. Whereas the said S. of U. had been, during the greater part at all events of its existence, practically and essentially a non-subscribing body ; in consequence whereof the C. of S., up to the 27th day of May, 1836, declined to admit into ministerial communion any M. of the S. of U. ; and at that time the said C. of S. agreed to admit to such communion such M. only of the said S. of U. as should produce an extract minute of their ordination, setting forth that they have given an unqualified subscription to the W. C. of F.

The R. S., in associating themselves together, have adopted no new creed, and they have renounced no old opinions, but stand now as they did under the S. of U., until its late departure from its long established laws, principles, and practice.

Although defendant Watson and a large portion of the said congregation of K. always participated in the sentiments maintained by the remonstrants, yet as the said congregation was not unanimous in their views, and as the said enactments of the S. of U. requiring M. to preach Calvinistic doctrines, on pain of deposition, were expressly confined to M. thereafter to be ordained, and did not profess to have any retrospective operation, defendant Watson, for the sake of peace, and confiding in the solemn guarantee of the said S. of U., continued with his congregation under the jurisdiction of the said S. of U., and would willingly have continued to do so, had it not been for the unlawful, unjust, and persecuting measures adopted towards him, in the first place, by the presbytery of Belfast, and afterwards by the S. of U. itself.

[Instances of ordination by the Presbytery of Bangor, two in 1764 and two in 1776, "without the exaction of absolute subscription, are alleged, and three cases of licensing to preach granted by the same presbytery in 1767 "upon such modified subscription as suited the particular religious view" of the parties licensed. And it is averred that "the same practice prevailed in a great number, if not in the great majority of other instances, and would so appear if the defendants had access to the records of the several presbyteries of the Synod ; and that the asking and giving assent to the doctrines of the said confession was during by far the greater portion of the existence of the Synod optional. Three of these seven instances of unqualified subscription seem to have been reported.]

[Objections within the last two or three years to the doctrine of the eternal generation of the Son by one ordained minister in a book, and three candidates for licenses, are mentioned, and it is added, "that there

are at the present time members of the Synod who do not believe in the Trinity, nor preach the doctrine thereof, and that uniformity of religious opinion never practically prevailed in the Synod, nor was it consistent with the principles of Presbyterianism to seek to enforce such."]

[It is to be understood that various assertions in these extracts are stated in the answer as matters of information and belief only.]

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No. 13.

PETITIONS IN FAVOUR OF THE BILL.

From Members of the Presbytery of Antrim and Remonstrant Synod of Ulster, on behalf of themselves and other Non-subscribing Presbyterians of Ireland.

Your petitioners have been gratified to learn that a bill has been introduced into your right honourable House, entitled, "A Bill for the Regulation of Suits relating to Meeting-houses and other Property held for religious purposes by persons dissenting from the Church of England."

Your petitioners observe that this bill is confined in its operation to England and Wales.

There are in Ireland many meeting-houses occupied by the ministers and congregations forming the two above-mentioned bodies, called the "Presbytery of Antrim" and "Remonstrant Synod of Ulster," and several by ministers and congregations comprised in the Synod of Munster, in every respect similarly circumstanced with those meeting-houses in England and Wales which will be affected by the said bill.

The said meeting-houses in Ireland have in many instances burial grounds attached to them, and in some cases the congregations are in possession of schools and other properties for educational and religious purposes.

These meeting-houses and other properties have for a long series of years been held and enjoyed by ministers and congregations holding the religious views which have for more than a century been designated in Ireland "New-Light," or, as they are now called, "Anti-Calvinistic and Unitarian;" and that during the period that such opinions have been entertained by these ministers and congregations, they have in most instances rebuilt their meeting-houses, and in all cases have largely augmented their value, besides creating or greatly increasing other congregational properties, never having entertained the slightest doubt of the validity of their titles to properties which, without the disturbance of any other parties, have descended to them from their ancestors in uninterrupted congregational succession.

Certain decisions have lately been made in the Courts of Equity, both in England and Ireland, respecting religious trusts, in consequence of which decisions these ministers and congregations are threatened with deprivation of their meeting-houses and other properties. That two suits are now actually pending in the Court of Chancery in Ireland, in one of which (that of the Eustace Street congregation) the cause has been heard, but no decree pronounced; and the other (that of the Strand Street congregation) is now ready for hearing; and that in these suits it is sought to deprive the ministers and congregations of meeting-houses and other properties to the value of at least two thousand pounds a year, of which they were in unquestioned and undisputed enjoyment for a long period of time, and a very large portion of which has been created or accumulated during the ministry of the present ministers, or of predecessors who are admitted to have held the same religious opinions as the present possessors.

Your petitioners humbly submit that the cases of the several ministers and congregations in the three bodies above referred to, in relation to their meeting-houses and other properties, are cases of peculiar hardship. According to the law, as declared in the cases referred to, a large number of ministers and congregations are liable to be harassed by tedious and expensive litigation in separate Chancery suits.

That in many cases the whole fee-simple of the property held for religious purposes by these ministers and congregations would be insufficient to meet the costs of the enquiry which would be necessary to discover that party who (among numerous classes of claimants that might arise) were best entitled to that property: whilst wherever the value of the property would be sufficient to bear the costs, some speculative attorney (as has heretofore been known with regard to other charities) might make a wholesale business of filing informations.

Your petitioners further humbly and respectfully submit, that if at the time of passing the Act 57 Geo. III., any doubt had existed as to the validity of the titles of any of the ministers or congregations holding the religious opinions thereby tolerated, to the meeting-houses or properties they then held and enjoyed, it can hardly be doubted but that that Act would have contained a clause having for its object the quieting of the congregations in the possession of their meeting-houses and other properties.

Your petitioners further respectfully and humbly submit, that wherever there is no express declaration of trust as to any particular doctrine or form of religious faith respecting any of their meeting-houses, burial grounds, school houses, or other congregational properties in Ireland, the usage of a series of years should, by analogy to the statutes of limitation relative to private property, and in conformity with the



intent of the bill introduced into your right honourable house as aforesaid, be conclusive evidence of the doctrinal opinions for the promotion whereof the same were founded.

Your petitioners therefore humbly pray that your lordships will be pleased to remedy these grievances of the classes of Irish Protestant Dissenters herein mentioned, as by the said bill it is proposed to remove those of certain Dissenters in England and Wales, either by including them in the bill now pending in your lordships' House, or by passing a special Act for their protection.

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From the Minister and Member respectively of the Protestant Dissenting Congregations of Strand Street and Eustace Street, in the city of Dublin, on behalf of themselves and of the said two congregations.

Your petitioners have been gratified to learn that a bill has been introduced into your right honourable house, intituled, "An Act for the regulation of suits relating to meeting-houses and other property held for religious purposes by persons dissenting from the Church of England."

Your petitioners observe that this bill is confined in its operation to England and Wales, and that it is therein provided that it shall not affect any property, the right or title to which was in question in any action or suit pending on the first day of March in the present year.

The said two congregations of Strand Street and Eustace Street were originally founded by English Nonconformists, and formed constituent parts of the southern presbytery of Dublin, which having from its formation agreed in the same fundamental principles with the Presbytery of Munster, became incorporated with that body in the year 1809, under the name of the Southern Association or Synod of Munster; and the fundamental principles of the said presbyteries previous to such union, and of the said Synod since, have ever been, the taking the Bible alone as the rule of faith and practice, the rejection of all creeds and articles drawn up by uninspired men, the recognition of the right of private judgment, guaranteeing to every congregation and individual in communion with the said Synod the right from time to time to change their opinion on controverted points of doctrine, as often as conscience and conviction may dictate, and, notwithstanding such change, to continue in full communion with the said Synod, and in possession of all their Presbyterian and Congregational rights and properties.

In the exercise of the right so guaranteed as aforesaid, these two congregations have, for a very long series of years, entertained theological views at variance with the doctrine of the Trinity as set forth in the

thirty-nine articles of the Church of England, and in the Westminster Confession of Faith.

Informations have recently been filed in Her Majesty's Court of Chancery in Ireland, against the ministers and members of these congregations, at the suit of Her Majesty's Attorney-General, upon the relation of three individuals, natives of Scotland, who are not, and have never been, in any manner connected with them or either of them, praying that they may be deprived of their meeting-houses and all other their congregational endowments, upon the ground of an alleged diversity between the doctrinal opinions they at present profess, and those held by their predecessors at their original formation, a period considerably upwards of a century ago.

In none of their grants, gifts, or instruments of endowment, from the very earliest period, is there contained any clause binding these congregations to the profession of any peculiar doctrines, or in any wise interfering with the enlarged principles of liberty and the right of private judgment, the maintenance of which these congregations have at all times recognized as their sole bond of congregational union.

Many of these endowments, of which they are now sought to be deprived, were created by members of these congregations (some of whom are still living) at a time when these congregations entertained, and were known to entertain, opinions similar to those which they at present profess.

Of the said two suits which are so pending in the Court of Chancery in Ireland one has been heard, but not yet finally disposed of, and the other is now ready for hearing.

Your petitioners would humbly represent to your right honourable House, that inasmuch as no division exists in these congregations or either of them, and inasmuch as the relators at whose instance these informations have been filed are total strangers to, and in no way interested in, the property of which they seek to deprive them, there is no party in whom there exists any vested right which would be interfered with by the extension of the bill now before your right honourable House to the cases of these congregations respectively; and in furtherance of this view, your petitioners would humbly remind your lordships of an Act passed during the present session of Parliament, and which originated with your right honourable House, for staying certain actions which had been theretofore commenced for the recovery of penalties incurred for offences against the Horse-racing Acts. And inasmuch as your lordships did not consider it unjust to put an end to the suits so pending, upon the terms of indemnifying the informers against the costs they had theretofore incurred in such actions, your petitioners humbly hope that, where the object is to quiet the possession of religious socie-

ties, which has continued undisturbed for so long a series of years, your right honourable House will not deem it inequitable to extend relief to these two congregations, notwithstanding the existing suits, upon the terms of the relators being indemnified in respect of costs in such manner as to your lordships may seem just.

Your petitioners further humbly and respectfully submit, that inasmuch as there is no express declaration of trust as to any particular doctrine or form of religious faith respecting their meeting-houses, school-houses, endowments, or other congregational properties, the usage of a series of years, recognizing in these congregations the right of private judgment in the interpretation of the sacred Scriptures, authorizing a change of doctrinal opinion on their part from time to time, as conviction and conscience may dictate, should by analogy to the statutes of limitation for the protection of private property, and in conformity with the intent of the bill now introduced into your right honourable House, be received as conclusive evidence that such endowments were created for the support and advancement of such principles.

Your petitioners therefore humbly pray that your lordships will be pleased to remedy the grievances of the two Protestant Dissenting Congregations herein named, as by the said bill it is proposed to remove those of certain Dissenters in England and Wales, either by including them in the bill now pending in your lordships' House, or by passing a special act for their protection.

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From Mary Armstrong, widow, a Member of the Protestant Dissenting Congregation of Strand Street, in the City of Dublin.

Your petitioner's husband, the late Rev. James Armstrong, Doctor of Divinity, was elected pastor of the said congregation of Strand Street, in the year 1806, at which time the said congregation held opinions identical with those it at present professes.

Some years subsequently to the election of her said husband, a large fund was contributed by the members of said congregation (several of the contributors being still alive, and members of said congregation), for the support of the widows of the ministers thereof; of which fund your petitioner's said husband, since deceased, was appointed one of the first trustees.

Nearly one-third of the said fund was contributed by the sisters of the present Lord Plunket, who were personally much attached to your petitioner's said husband; and your petitioner is confident, that in the creation of such fund, they and the other contributors were greatly

actuated by a desire to promote the personal interest of himself and his family.

Since her said husband's decease, in the year 1839, your petitioner has, in accordance with the intentions of the originators of said fund, been in the receipt of the annuity, payable to her, from the same, as his widow.

Your petitioner is a widow, with four daughters resident with her, and the said annuity forms a very important portion of her means of subsistence.

An information has recently been filed in the Irish Court of Chancery, at the relation of three persons, not even natives of Ireland, and two of whom are in low circumstances of life, and reside more than one hundred and twenty miles from Dublin, and all of whom are total strangers to said congregation, and have never been, in any way, connected therewith, seeking to deprive the said congregation of their house of worship, and all the funds and endowments connected therewith, on the ground of an alleged diversity between their religious opinions and those of their predecessors, upwards of one hundred years ago, and that said cause is now ready for hearing.

The above-stated facts as to the said annuity were first disclosed by the answer of the defendants in the said suit, and such facts were sworn to by the said defendants, and there is no controversy respecting the same.

Notwithstanding the strong moral title of your petitioner to the said annuity, the relators in the said information, after the said answer was put in, deliberately amended the said information, so as to make it particularly embrace and claim the said annuity and fund; and one of the results of the said information as now amended, in case there should be a decree against the defendants, would be, to deprive your petitioner of that annuity which the originators of said fund (many of them her intimate friends) intended for her support.

The said suit is, on the part of the relators, under the management of Mr Macrory, who is solicitor to the General Assembly of the Presbyterian Church in Ireland, and also one of the deputation in England conducting the opposition to the Dissenters' Chapels Bill, and the said amendment of the information, claiming said annuity, was made by his direction.

The Right Honourable the Lord Chancellor of Ireland has of his own accord been graciously pleased to postpone the hearing of said cause, till the result should be known of a bill, then before the right honourable the House of Lords, intituled, "An Act for the regulation of suits relating to meeting-houses and other property held for religious purposes by persons dissenting from the Church of England."

Your petitioner presented a petition to the House of Lords praying to have the said bill extended to Ireland, and to the said pending suit affecting your petitioner's said annuity, and such bill was amended accordingly, and the third clause of the said bill as it now stands before your honourable House, was introduced for the accomplishment of that purpose.

Although your petitioner has already presented a petition on this subject to your honourable House, yet as the same did not fully state the facts with respect to the said annuity, she now begs leave to present this further petition.

And your petitioner prays that the said bill, as it now stands, and especially the third clause thereof, may be speedily passed into a law, and your petitioner thereby secured in the enjoyment of that maintenance which was provided for her by the congregation of her said late husband, and as to which they never could have believed it possible that any question could ever arise as to your petitioner being entitled, as his widow, to receive the same.

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From the General Assembly of General Baptist Churches, by their Messengers, Elders, and Representatives, holden on Whit-Tuesday, the 28th day of May, 1844.

Your petitioners, having taken into consideration a bill now pending before your honourable House, "for the regulation of suits relating to meeting-houses and other property held for religious purposes by persons dissenting from the United Church of England and Ireland," are so convinced of the importance of that measure, as to lay before your honourable House not only their request that it may be finally adopted by the legislature, but also those views which they hold respecting the same, which impress them with confident assurance of its justice and necessity, and with ardent wishes for its success.

Your petitioners constitute a body of Protestant Dissenters which hath maintained a separate and independent character ever since the passing of the memorable Act of Toleration in the year 1689, and which had previously holden its assemblies at such opportunities as the state of the times permitted, particularly in the month of March, 1660, when a Declaration of Faith was set forth and presented to King Charles the Second at his restoration, and in the year 1663; in which declaration it was asserted, that the Holy Scriptures only were their rule of faith and practice, and "that it is the will of God that men should have the free liberty of their own consciences in matters of religion." Conformably to which rule, it came to pass that those matters which are usually under-

stood to make up, or to be involved in, the Trinitarian question, were in such declaration expressed in plain scriptural terms only ; the common doctrine of the Trinity as taught in creeds of human composition being carefully avoided, and the explication of Holy Scripture concerning the Father, the Son, and the Holy Spirit, being left to every man's conscience, and to the judgment of each particular congregation.

In order the more effectually to preserve due liberty of conscience, and freedom in the interpretation of Holy Scripture on this and other points of doctrine, the communion of the ancient churches constituting this assembly was established on the fundamental principles of faith and practice contained in the second verse of the sixth chapter of the Epistle to the Hebrews, which prescribe "faith in God," without any mention of a Trinity of names or persons ; and that the said fundamental principles were recognized as the ground of union in this assembly itself, in the year 1731.

Before the end of the seventeenth century considerable discussion took place in this assembly, arising out of a departure from the prevalent modes of expression concerning the nature of our Lord Jesus Christ, which had been made by an eminent minister and member thereof, named Matthew Caffyn, who insisted on adhering most rigidly to the language of scripture only in this matter. The result of such discussion was the continuance of the said Matthew Caffyn in this assembly, and the separation of his opponents ; who, in order to establish a greater conformity to human creeds, withdrew, and formed a separate association, which merged again into this assembly after Caffyn's death.

In the celebrated discussion among the dissenting ministers at Salter's Hall, in the year 1719, the London ministers of this assembly, being the predecessors of elders now comprised in the same, took the part of non-subscription to human articles, and were a portion of the majority which decided that important question (when, as expressed by Sir Joseph Jekyll, "the Bible carried it by four") ; the remainder of such majority consisting mainly of English Presbyterians, by whom a similar opposition to human creeds has been made, and in whose congregations, in the long interval which has since intervened, a similar variety of interpretation on many points of theology has prevailed.

Your petitioners believe that the genuine principles of Protestantism, and the due cultivation of sacred literature, have greatly flourished in these circumstances.

The objections to the pending bill proceed mainly on the unfounded assumption that, as to the places of worship to be protected, there was originally a specific intent in favour of certain doctrines, and of which intent the present occupants are perverters ; whereas your petitioners conceive, that a dispassionate reference to the early history of dissent will

establish the conclusion, that in the instances, whether among the Baptists or the Presbyterians, in which doctrinal trusts are absent, the omission is attributable neither to accident, nor to a reliance on the then exclusive state of the law, but was in designed accordance with the great principles of Protestantism and of consistent Nonconformity, viz., the sufficiency of Scripture and the right of private judgment ; and that the gradual change of opinion in the congregations (which throughout maintained their respective identity) is the legitimate result of the spiritual liberty thus assured to their members, and the real perverters of the founder's intent are therefore those who would now import into the trust a restriction which the founder had so studiously avoided.

In those instances in which the courts have inferred or implied such a doctrinal restriction, they have done so from a supposed necessity of judicially presuming an intention in the founder to confine the trust within the actual limits of the law at the time, a presumption little applicable to the early Nonconformists, whose very name and origin implied resistance to the law, and among whom the progress of opinion was continually outgrowing the law ; as strikingly evinced by the successive enlargements of the legal bounds of toleration, the printed case of the dissenting ministers issued previously to the act of 1779, declaring (and which is confirmed by the preamble to that act) "that the far greater part of the dissenting ministers had not complied, and could not in conscience comply, with the subscription required by the Act of Toleration ;" and your petitioners, therefore, without presuming to impugn the legal correctness of the judicial decisions on the subject, regard the present case as that of occupants having a good moral title endangered by a technical rule of law, for which anomaly the legislature will be doing no more than justice in providing a remedy.

Your petitioners in consequence believe that the operation of the bill now before your honourable House will be to quiet a variety of dissenting congregations, thus following out the right of free inquiry, in the peaceable possession of their places of worship and other foundations which have belonged to them, in many instances, for more than a century, and to prevent the interference of other classes of religionists devoted to subscription to human articles and the consequent violation of the liberal principle on which your petitioners and other like-minded Christians are associated.

Your petitioners therefore pray your honourable House that the said bill may be forthwith passed into a law.

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## ANALYSIS OF SEVENTY-SIX PETITIONS.

Most of the Socinian congregations in England petitioned in favour of the bill, and according to the analysis of their petition given in the appendix to the debates, they urged on the legislature, in addition to their dissent from the founders of the old chapels and from several generations of attendants there, and from persons interred in the burial grounds, the length of time during which the chapels had been alienated from orthodox worship, and expenditure by persons of their opinions in rebuilding or repairing them, or adding to them parsonages, schools, or burial grounds.

The following is a condensed account of the allegations of these petitions, containing the date of the foundation, or an approximation to it, the period of the prevalence of heterodox sentiments in the words of the petition, and improvements or additions, with their cost. All mention of repairs is omitted here. Comments or references are enclosed within [ ].

## WESTMORELAND.

1720. KENDAL. No trace of orthodox doctrines ever having been preached. Vestry built and great improvements made by the present generation.

## DURHAM.

1688. STOCKTON-ON-TEES. Anti-Trinitarian for a long period.

## YORKSHIRE.

1692. YORK. Anti-Trinitarian since the settlement of the present minister's predecessor. [See page 126.]  
 1674. LEEDS (Mill Hill). Present opinions traceable at least eighty years back. School rooms built by petitioners.  
 1719. BRADFORD. Considerable accretions in modern times.  
 1700. SHEFFIELD. Anti-Trinitarian for the last hundred years. Schools built by present generation.  
 1662. HULL. Rebuilt 1803. [See page 684.]  
 1706. ROTHERHAM. School built within the last three years.

## LANCASHIRE.

1693. MANCHESTER (Cross Street). Anti-Trinitarian for at least 130 years.  
 1707. GORTON (near Manchester). Minister's house built in last generation.  
 1706. DOB LANE (Failsworth). The present opinion can be traced through ministers and people for nearly a century. Grave yard recently enlarged.



## LIVERPOOL.

About 1700. Paradise Street. It is impossible to reach by evidence a time when Anti-Trinitarian doctrines did not prevail in the congregation. Chapel rebuilt 1791 and schools. No endowment.

1811. Renshaw Street. Chapel rebuilt by last generation.  
Before 1650. Toxteth Park. For generations past, as far as petitioners can trace, the meeting-house has been occupied by a congregation abjuring doctrinal tests. Gateacre. The congregation for nearly a century have held the Unitarian faith.

Early in 18th century LANCASTER. Anti-Trinitarian opinions traceable upwards of 100 years. Chapel rebuilt 1786. Minister's house built 1782.

1735. WARRINGTON. Anti-Trinitarian in all living memory. Burial ground enlarged 1797. Schools now erecting.

1757. PRESCOT. The doctrines preached within the recollection of the oldest attendants have been uniform with the same.

About 1720. PRESTON. Second minister strictly Unitarian, and first minister his hearer. Burial ground enlarged by present congregation.

1719. BURY. Rebuilt with schoolrooms 1837 (£4000).

1703. RIVINGTON. The opinions have always been Anti-Trinitarian. In 1742 the Rev. Samuel Bourn avowed Unitarian doctrines. In 1786 minister's house built on site given. In 1844 schools built.

BOLTON. Ministers since 1754 avowed Unitarians. First minister, Rev. Samuel Bourn, left Cambridge without a degree from unwillingness to subscribe. His son and grandson Anti-Trinitarians. Minister's house built 1740. Chapel enlarged 1760. Schools built 1797. Improvements (£1000) 1835. Suit threatened in April last by Scotch Presbyterian Congregation. Commenced in 1838 as branch of the Kirk.

1715. AINSWORTH (near Bolton). Minister in 1732 Anti-Trinitarian. Present opinions taught for upwards of 100 years. Sunday School lately built (£400).

CHOWBENT. £800 recently expended. Schoolroom built within ten years.

1727. CHORLEY. Improvements within last twenty years (£700).

## CHESHIRE.

1700. CHESTER. Second minister appointed 1713. Anti-Trinitarian. Burial ground enlarged 1811. Endowed by Unitarians.

1694. KNUTSFORD. The petition as to this chapel was by the Rev. Wm. Turner, of Newcastle-upon-Tyne. His grandfather,

John Turner, educated by Mr James Conningham, of Manchester, died in 1737. Minister at Knutsford, having previously been settled at Preston and Rivington. It is not pretended that he became heterodox.

1704. DEAN ROW. Fallen into decay.

1723. HALE. A minister who died thirty-nine years ago, after a forty-five years' pastorate, was a Unitarian. Gallery and school-rooms recently built.

1714. CONGLETON. The early opinions of the congregation Anti-Trinitarian. Galleries built within last fifty years.

NANTWICH. Anti-Trinitarian, at least since living memory. 150 years ago no evidence of change of opinion. [This place was originally Independent.]

KIRKSTEAD, (near Horncastle). The doctrinal opinions taught About are believed to be unchanged from those originally preached 1680. Mr Disney, founder. Dr. John Taylor ordained here 1714. New chapel built 1821.

#### SHROPSHIRE.

SHREWSBURY. Anti-Trinitarian at least 100 years. Minister's About house built 1791. Chapel nearly rebuilt 1840. In 1741 1673. Independents joined this congregation, but left in 1766, having by deed renounced all claim and Presbyterian endowments.

#### NOTTINGHAMSHIRE.

Before NOTTINGHAM. Rebuilt 1804 (£7200).  
1704.

#### LEICESTERSHIRE.

1708. LEICESTER. Anti-Trinitarian opinions held by ministers and members at least a century. Schools lately built. Endowments by Anti-Trinitarians.

#### DERBYSHIRE.

CHESTERFIELD. Anti-Trinitarian as far back as living testimony or tradition can go. 1823 chapel enlarged. 1831 About schools built and burial ground enlarged. 1695.

1697. DERBY. The first minister, Ferdinando Shaw, published a catechism, and in 1730 a larger work, evidencing a declension from orthodoxy. His colleague, Josiah Rogerson, signed recommendatory preface to Arian work. Unitarian for at least fifty years.

## NORFOLK.

**NORWICH.** Opinions Anti-Trinitarian as far back as living About testimony or tradition can extend. Rebuilt (£7000) in 1754, 1687. during the ministry of Dr. John Taylor and the Rev. Samuel Bourn. Schools built by Unitarians.

**Middle GREAT YARMOUTH.** In 1730 Trinitarian minorities seceded, 17th dividing the property. century.

**LYNN.** Built or rebuilt 1811.

## SUFFOLK.

1700. **IPSWICH.** Trinitarian never taught within memory of oldest inhabitant.

1711. **BURY ST. EDMUND'S.** Founded by parties abjuring subscription.

## WARWICKSHIRE.

**BIRMINGHAM.**

1732. New Meeting rebuilt 1802, after destruction by Church and King mob, by £1000 subscription, in addition to parliamentary grant.

Old Meeting, Schools built by this and preceding generation.

1700. **COVENTRY.** Anti-Trinitarian opinions traceable as far back as the foundation. [This statement must be incorrect; Mr Tong was minister here till 1702, Mr Warren till 1730, and there can be no question of their orthodoxy. The Assembly's Catechism was taught to the grandmother of a gentleman now living. Some of Baxter's works were kept on a reading desk.]

**WARWICK.** Unitarian doctrines preached for upwards of eighty-six years. Schoolrooms built four years ago (£200). The present chapel built in 1780 by the Earl of Warwick, and given in exchange for the old place.

**TAMWORTH.** The Rev. John Byng, the second minister, whose pastorate lasted fifty-two years, was a Unitarian. Endowment by his daughter in 1713. [Mr Byng was settled there in 1768.]

## WORCESTERSHIRE.

**DUDLEY.** Burial ground recently added. £1000 endowment About for education lately founded by a Unitarian. Large recent 1700. accretions.

**EVESHAM.** First minister, R. P. Cardell, [he was not the first About minister, see p. 683], avowed Anti-Trinitarian. Schoolroom 1740. built. Endowment by Unitarians.

**CRADLEY.** The doctrines now taught same as those inculcated by the first ministers. Chapel rebuilt with schools a few years ago.

### OXFORDSHIRE

1716. **BANBURY.** The second minister, who held office for fifty-seven years, believed to have been an Arian.

### GLOUCESTERSHIRE

1699. **GLOUCESTER.** At least 100 years ministers and congregations Anti-Trinitarian.

1730. **CIRENCESTER.** The opinions of the present congregation the same as were held by their ancestors.

### WILTSHIRE

**TROWBRIDGE.** The same opinions have been uniformly held by the congregation since its origin. Schoolrooms built within  
About 1700. twenty years.

### SOMERSETSHIRE

**TAUNTON.** Anti-Trinitarian opinions preached as far as living testimony extends.

Soon after 1792, £2500. In 1819 cemetery given. No congregational  
1662. property derived from Trinitarians.

End of 17th century. Considerable gifts and bequests by Unitarians.  
**BRISTOL.** Unitarian opinions have been held beyond living memory. Burial ground added 1768. Schoolrooms built.

**BRIDGEWATER.** The minister in 1717, son of the first minister, and all his successors, have held Anti-Trinitarian principles. Rebuilt 1788. Vestry and school added by present congregation.

1733. **CREWKERNE.** Present opinions of congregation traceable through a considerable period. Chapel nearly rebuilt in 1811. Endowments by Anti-Trinitarians.

More than 100 yrs. ago. **ILMINSTER.** Anti-Trinitarian opinions have been long held.

### DEVONSHIRE

1700. **EXETER.** Arian from foundation. Schools lately built (£2000). [1720]. See p. 24.

1662. **PLYMOUTH.** Minister elected 1743. Anti-Trinitarians rebuilt 1832 (£1000). Vestry and Schoolroom built 1827. Burial

ground enlarged 1833. All endowments expressly given for support of Unitarian principles.

1695. **COLLUMPTON.** Same doctrines preached for the last 100 years. Rebuilt 1814.

About **COLYTON.** The founders avowed Anti-Trinitarians. The first 100 minister, Mr Samuel Slater, for sixteen years advocated yrs. ago. Unitarianism. Burial ground given about fifty years ago.

About **MORETON HAMPSTEAD.** Anti-Trinitarian opinions preached as 1680. far back as living testimony or tradition can go. Chapel rebuilt 1801.

### DORSETSHIRE.

1705. **POOLE.** Same opinions traceable for the last ninety years. Enlarged 1721. Endowment since 1817.

1720. **DORCHESTER.** Anti-Trinitarian as far back as living testimony extends. Chapel enlarged 1808.

1791. **BRIDPORT.** Chapel built by Unitarians. Schools built 1841.

### HAMPSHIRE.

Before **PORTSMOUTH.** Unitarian at least fifty years: nearly rebuilt in 1687. 1822 (£1200). School built 1823, and £500 since expended on it.

1774. **NEWPORT,** Isle of Wight. Founders held Anti-Trinitarian opinions, as evidenced by ministers' written discourses. The opinions traceable even to an earlier date. Chapel enlarged recently and schools built (£400). In 1821 or 1838 endowments for Unitarian worship.

1727. **RINGWOOD.** Built by non-subscribers.

### SUSSEX.

More **CHICHESTER.** Considerable improvements by petitioners and than 100 their predecessors. yrs. ago.

1720. **HORSHAM.** Opinions of the founders believed to have been Anti-Trinitarian, and the opinions of the congregation can, by living testimony, be proved to have been so since 1740. Burial ground enlarged in 1816.

### SURREY.

1786. **GODALMING.** First minister Anti-Trinitarian.

### KENT.

**TENTERDEN.** Anti-Trinitarian upwards of 100 years. Chapel and burial ground enlarged. School built.

1736. **MAIDSTONE.** No discussions have ever occurred in the congregation, on doctrinal or other opinions. [There was a Unitarian secession from it about 1740].

### CAERMARTHENSHIRE.

**SWANSEA.** Unitarian doctrines preached for upwards of ninety years. Gallery built 1788.

### MIDDLESEX.

1774. **LONDON.**

**Essex Street.** Built for Unitarian worship.

**Hackney.** Original chapel sold, and present chapel built 1809.

It is stated that at Leeds, Sheffield, Yarmouth, Ipswich, and Gloucester, improvements or repairs would have been made but for the state of the law.

The following notices occur of deeds or usages :

**STOCKTON.** No limitation of doctrine in the trust deed.

**LEEDS.** At no period has the holding of any particular religious doctrines been required as the qualification for communion of the Lord's Supper, for trusteeship or membership.

**HULL.** No trace of any creed being used or subscribed by the minister or people.

**ROTHERHAM.** Founded and always maintained on principles of non-subscription.

**MANCHESTER.** The trust deeds from the foundation to the present time do not require any particular opinions to be taught by the minister.

**CHESTER.** The trust of the chapel is for the public worship of God by persons dissenting from the Church of England, without any doctrinal limitation whatever.

**GAINSBOROUGH and BURY ST. EDMUNDS.** See above.

**CHESTERFIELD.** The endowment, 1760, is simply for the benefit of the congregation.

**LYNN.** There is no creed in the trust deed : the framers following the general custom of English Presbyterians and Unitarians, and having merely defined the use of the chapel for public religious worship.

**BANBURY.** The right of private judgment has been the fundamental principle of the religious union of the society.

**TROWBRIDGE.** The only profession of faith required of the members has been belief in the gospel, and by it to govern their lives and conduct.

**BRISTOL.** The distinctive feature of the society is that it repudiated every subscription to religious creeds and declaration of faith.

**HACKNEY.** Though the congregation is avowedly Unitarian, they inserted no creed in their trust deed, leaving the property to the operation of the English Presbyterian principle of the right of private judgment.

Rotherham, Sheffield, and Gainsborough were originally congregational chapels, according to Dr. Evans's list.

Liverpool, Paradise Street. The notion of partnership in a chapel, see p. 495, was brought forward in the petition from this congregation. It is said, "The present chapel was built 1791, by contributions of the members who became proprietors in partnership of the building, holding pews which they occupy, or let to yearly tenants." It is not stated that the new chapel was built on a new site; if it was built on the old one, or the money received on sale of the old meeting was expended in part payment for the new site or new building there, proprietary rights could not be reserved. It must be a very remarkable deed which would give a valid title to the lessee of a pew.

Similar vagueness with that complained of at p. 199 will be noticed in the phraseology transcribed. It is assumed that non-subscription and the rejection of creeds implies heterodoxy, and long periods are mentioned, during which there had been no change of opinion, in cases in which it is certain that at the commencement of those periods the ministers were Arians, and at the end of them the ministers were Socinians.

The chapels in Exeter, Godalming, Bridport, and Essex Street, London, may be admitted to have been founded, the first two by Arians, and the last by Socinians, but those in Renshaw Street Liverpool, Lynn, Bath, Newport, and Hackney, seem to have replaced Presbyterian places, which in some cases at least were sold.

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#### No. 14.

Reasons in favour of a Bill for the regulation of suits relating to property held for religious purposes by persons dissenting from the Church of England, submitted to Sir Robert Peel's administration.\*

THE decision in the Wolverhampton Chapel case, following that in the Lady Hewley case, has recently declared that the word "worship," or any equivalent expression in a chapel deed, must be taken to mean such worship as was permitted by the law at the date of the deed; and that therefore any statute, although utterly obsolete, which prohibited

\* It is right to mention that Sir E. Sugden's judgment in *Attorney-General v. Drummond*, which rendered the second clause of the Bill more imperatively necessary, was not known when this document was prepared. [Note in original.]

any particular opinions, would govern, for all time to come, the legal meaning of all deeds of this nature which might happen to be executed before the day of its repeal. The statutes unrepealed at the date of every deed, though immediately afterwards repealed, are for all future time to be imported into, and to be read as part of the intents expressed in the deed. [In contradiction to this for what was really decided see pp. 224, 5.]

To apply this rule to a particular case. Until the year 1813, (53 Geo. III. c. 160,) there were statutory penalties unrepealed, though notoriously obsolete, against teaching or preaching Anti-Trinitarian doctrines. There is a chapel in Essex Street, London, the history of which is particularly well known. It was built about the year 1783, and the deed enrolled in chancery as required by law. It took its first rise from the secession of the Rev. Theophilus Lindsey from the Church of England, solely on the ground of disbelief in the doctrine of the Trinity. The trusts were to permit the chapel to be used for public worship, and to procure public worship to be celebrated there every Lord's Day in the manner the same as was then being celebrated. Among the early trustees were Mr Attorney-General Lee, Mr Sergeant Heywood, and several other distinguished lawyers, and also Sir George Saville, Mr Brand Hollis, and other persons of station and distinction. The late Duke of Grafton and other noblemen were among the first contributors and constant attendants. None of these could have thought they were breaking the law.

By the operation of the above-stated rule of law, the trust deed of the above chapel must be interpreted by the courts as expressing an intention on the part of the founders, that the chapel was only to be used for the benefit of persons believing in the doctrinal articles of the Church of England; and the Courts will, if called on, declare that the trustees of that chapel, from the day of its foundation to the present day, have been, from week to week, committing a breach of trust, in not having procured the preaching therein of doctrines which it is a matter of notoriety none of them, nor any of their congregation believed, and the repudiation of which was the sole ground for seceding from the church and for the erection of the chapel.

It cannot, of course, be stated to what extent religious dissenting property will be affected by these decisions. Though probably it affects the property of Dissenters only, it must widely affect such. It is well known that the Roman Catholics held a great number of chapels and schools before the date of the Roman Catholic Relief Act. Though no doubt they carefully avoided expressing in their deeds the trusts to which it was meant they should be devoted, yet the mere use of such words as "chapel," "religious teaching," or the like, coupled with the rule of law as now laid down, would be held to express an intention to



devote these buildings to Protestant purposes. The present statement, however, is submitted on behalf of Dissenters belonging to the denominations of the English Presbyterians and the General Baptists, and now holding Anti-Trinitarian doctrines, and most of whom have held such opinions for nearly, if not quite, a century. Of these there are 250 congregations in England and Wales. It will be distinctly understood that these parties are not in the least seeking to impugn the legal correctness of the doctrine laid down against them.

The late decisions having first pointed attention to the existence of the rule of law above stated, the holders of all property affected by it find themselves placed in a situation of the most painful embarrassment ; and it is proposed next to show, that it is one which imperatively requires some legislative interference.

If there be no interference by act of Parliament, there must either be suits to remove the present holders and to appoint others having better legal qualifications, or the property must fall to ruin for want of upholding and repair. The present possessors have hitherto rebuilt and repaired their chapels as occasion required ; but of course they cannot longer do so, now that they know they have no legal title, and can make no such title to them. To continue to use them will be for the trustees to incur the personal responsibility of having to refund the rents or value in any suit which may be instituted against them.

Since the decisions above mentioned were pronounced, the possessors, indeed, have even been afraid to bury their dead in their family graves for fear of their burial grounds passing into the hands of strangers, or becoming waste for want of protection. Cruel as they cannot but feel the bearings on them, of the law as now laid down, the present possessors would probably endeavour to conform to its requirements, and would yield possession of the property, rather than witness this abandonment, desecration, and ruin of places they have been brought up to reverence. But however desirous they might be, the law, as it now stands, will not allow them to yield up their chapels without a separate chancery suit for each. They have neither power to decide who should in future be the possessors, nor to appoint trustees for such future possessors, nor to execute conveyances to them. The Court of Chancery alone can do this.

On the other hand, the Court of Chancery is utterly incapable of dealing with such cases as these. The property in question is, in the great majority of cases, far too small to pay the expenses of the suit out of its fee simple. When the value is enough to pay the cost, some speculative attorney (as has heretofore been known with regard to other charities), resident probably in London, and an entire stranger to the place, will make a wholesale business of filing informations, as expen-

sive, of course, in their character, as the property can endure ; or there will be a general scramble and fight for it among all the different and numerous sects of Dissenters able to establish before the Master (who may himself be of any faith, and who necessarily is altogether unfit to exercise judgment on such subjects) a sufficient amount of orthodoxy to qualify them to comply with the requisitions of the laws on the statute-book at the date of its purchase and first conveyance. As to a great number of chapels, the trusts will be found to have failed. There is in many of these deeds a clause to this effect, that "if such worship shall have ceased for ( ) years they shall be sold," &c. But by the decisions "such worship" has ceased for near a century ; and, as to these chapels, all future worship must therefore be put an end to. Many other chapels again have lost all trace of their trust deeds. These will give rise to other questions.

Again, some fluctuation of opinion, some departure of doctrine must have taken place in almost every ancient chapel, by whatever denomination it was founded. The courts may therefore, with regard to every such chapel, be called on to investigate the importance of such a departure, to take up the old dissenting disputes of the time of the Act of Uniformity, and to go into the question of the essentials and non-essentials of dissenting faith ; and they must do this for every one of the numerous sects separately, for what in those times were held by some as non-essentials were certainly held as essentials by others.

If, in a few cases, there should turn out to be sufficient property to bear the expense and leave a surplus, how is the court to decide between contending sects ? In the *Lady Hewley* case it might attempt to divide the funds among many sects ; as to a chapel, such a course could not be taken. The judges, in the *Lady Hewley* case, held it clear (what is still clearer as to a chapel) that the Church of England could, by no possibility, have any claim to the trust property. Dissenters therefore must be appointed. One sect must be selected to the exclusion of all others. Besides, therefore, the theological odium and warfare which would arise, and the great indecorum of having to bandy about the sacred dogmas of the Christian faith in such a place, of all others, as the master's office, and by attorneys and their clerks, the law, or in other words the state, heretofore careful to confine itself to a toleration of all Dissenters, would have to draw distinctions between them, to measure the different degrees of their errors, and to hold some as more deserving than others.

Where trustees are taken from various sects, as has been lately done in the *Lady Hewley* case, new suits and new causes of quarrel will necessarily arise after a brief period. As the chances of survivorship determine, one sect will come to have a majority in the trust ; a majority

in the trust will affect, or be supposed to affect, the course of distribution of the funds ; and the minorities will file new suits for new removals of trustees and a new application of the funds among the beneficiaries.

Many more such difficulties might be suggested ; and altogether it is asserted with the utmost confidence that every person acquainted with the working and expense of equity suits must confirm the statements above made, and bear witness to the utter incapacity of the equity courts to deal with the subject-matter under consideration. Even if the property is to be diverted from its present channels, it is an urgent case for aid, remediless except by the legislature, and full of public and moral mischief if let alone. It never can be the policy of a community that an entire class of property should be abandoned to waste merely because there is no law applicable to its protection. Some legislative interference, therefore, it is submitted, must be afforded.

Assuming that some legislative interference is necessary, what should it be ? The State might seize to itself all these chapels. This would be better than to leave them to the chances of law. But of what value could they be, diverted from their present use ? The only way, it is conceived, in which the legislature could usefully interfere, would be, by extending to this class of property the principle of limitation of suits, now so generally adopted as a rule of public policy. This principle has been greatly extended of late years. New subjects, many of them of a public nature, have very lately been brought within its operation ; for example, tithes, rights of way, &c., and some cases of trust, as mortgages, legacies, &c.

It is submitted that the present is a case peculiarly calling for the application of such a principle.

The property, in the first instance, was not often what would strictly be called a foundation. It was a chapel built by subscription for the use of the subscribers, and conveyed to some few of them, for the use of themselves and the rest. The trustees were in fact, and have all along been, the principal beneficiaries. It was an attempt at a sort of copartnership, or quasi-corporate mode of holding real estate. So little of a public nature was there considered to be in these trusts, that they were excluded from the operation of the charity commission.

The possession has been of a more strict and unbroken nature than that of any other kind of private property. It has been that of a congregation meeting from Sunday to Sunday, from the day of the original erection to the present time ; the children not so much succeeding to the possession of their parents, as uniting with them and becoming joint owners with them and joint contributors to the maintenance of the chapel. And where there has been a decided and undeniable change of doctrinal opinion, it must not be forgotten that it was a change of

opinion in the congregation, who were for a time the lawful holders of the chapel, and who held it for the purpose of worship by themselves, and that at the time no one ever thought of calling in question the right of the congregation so to deal with their chapel.

Though the departure from the opinions protected by the Toleration Act has undeniably extended over a very long period of years, much of it being traceable through periods when legal interference was by no means unlikely, yet, it is believed, there is no instance on record of any conviction under the penal clauses which raise the legal intent and difficulty now under consideration.

If, at the passing of the Act of the 53rd Geo. III., it had been supposed by the promoters of that measure, that the rule of law, as the title to all these places of worship of Dissenters not holding Trinitarian belief, was such as has been declared in the recent decisions, it can hardly be doubted that the ministry of that day who gave their sanction to that act, would have extended their sanction to an act having for its object to quiet the then congregations in the possession of their chapels. So far as this class of Dissenters is concerned, the proposed bill may be looked upon as supplementary to the former act. The same observation applies to the chapels of the Roman Catholics at the time of passing their Relief Bill. The Roman Catholic Charities Act, passed three years afterwards, (2 and 3 Wm. IV. c. 115,) was, no doubt, passed with the very purpose of effecting an object as to the Roman Catholics, precisely similar to that now sought for. It is clear, however, that this act has failed in such object; and that its failure was owing to ignorance of the rule of law which creates the present difficulties. For any body of non-tolerated Dissenters, indeed, to possess such a status in the community as could enable them to ask for toleration, they must have numbers and organization; to have these, they must have many chapels and other such buildings. The possession of such would be a chief ground-work of their claim for such a law; and the law would be passed mainly to legalize possession and arrangements before that time existing by sufferance only, but which had grown to a magnitude rendering it desirable to put them beyond question.

The present possessors of the property particularly under consideration are to a very great extent the lineal descendants of the first possessors. It now for the first time appears that the title under which the present possessors have held their chapels, schools, and other property, if ever it was good at all, has for nearly a century been a void one.\* It is impossible to fix a period when it became bad: nobody can

\* This is an admission that Arianism was not preached in the old chapels before 1750. The difference between "high" Arianism and orthodoxy was not sufficient to risk chancery suits for the chapels, especially in the state of public opinion at that time, but the difference between "high" Arianism and Socinianism is so great that the prevalence

put his finger on the records of the trustees and say, "This is the day they first did wrong." The generation now living unquestionably are blameless. But, since the title became void, almost all the erections have been rebuilt, or so extensively repaired, as to be in reality the creation of the present possessors, or of predecessors agreeing with them in doctrine. The congregations have done this with their own contributions in the fullest confidence, never doubting the validity of their titles. Little remains of the original property but the bare ground on which these erections stand. They have in numerous instances, and mostly of late years, added schools to their chapels, for Sunday, and often for the week-day teaching of their poor. They have laid out, and by the burial of their forefathers, their wives, and their children, have, at least in their own minds and feelings, consecrated their grave yards, and have placed in them and in their chapels the accustomed memorials of the dead. And they have trained up, have carefully and learnedly educated, and have set apart for their ministry, pastors who would be deprived of their very subsistence if they are to be dispossessed.

The application of the principle of limitation is peculiarly unobjectionable with reference to property of this nature. In almost all other cases of limitation of suits there is a claimant with a good title barred of his remedy; some party capable of designation is injured that litigation may be discountenanced, and that the title to property may depend on possession rather than on dry rule of law. The party with a bad title in possession got such possession by some given unlawful act on some definite assignable day, and yet is protected on grounds of public policy and for peace. But in this case there has been no dispossession of a rightful owner, and there is no claimant with a good title to be found. All that could be done would be to select such a recipient, if any such is to be found, as the judge or master might fancy the most to resemble the ideal founder he happens to picture in his own mind.

Such a law as is now contended for, would not only relieve the necessities created by the late decisions, but would be of future value. In such bodies as Dissenting Congregations with no effective Church Government, and no power to lay down binding rules of faith, fluctuations of doctrinal opinion in long periods of years are in the nature of

of the latter introduced a state of things which lawyers would consider entirely new. The real question therefore is when Socinianism was first openly preached by the generality of heterodox ministers, and it will be difficult to prove this to have been the case much before 1800. Dr. Priestley, the great apostle of that doctrine, in 1774 was only doubtful as to the divinity and mediation of Christ, and it was not before 1782 that he published his *History of the Corruptions of Christianity*. A reasonable period for the diffusion of his notions added to the latter date would bring the earliest time for instituting proceedings for recovery of the old meeting-houses within sixty years of the passing of the act, and as to that period of limitation see p. 544. The chapels in which Socinianism had been preached much earlier were closed before 1800.

things unavoidable. Such a law would obviate in a great degree the very serious difficulty and embarrassment necessarily arising out of these changes, both to the congregation and to the courts that may be called upon to decide thereon.

[This memorial is dated March, 1843, and refers to the English cases only, and shows that the suits respecting the Dublin chapels and the hardship of Mrs Armstrong's situation did not influence the ministry in taking up the case of the English Socinians.

The first paragraph conveys the notion that the Wolverhampton case was decided upon the presumption of law, that where there is no specification of doctrines legal ones are intended; but the reason given for the decision by Lord Cottenham was that as a matter of fact legal worship was designed, so that the intention of the founders only was regarded. This declaration of the law could not affect the chapel in Essex Street. It is however fairly admitted afterwards that the congregations occupying the old chapels held different views from the founders, so that the ground for the bill urged by the ministry, viz., that the vagueness of the trust deeds was intended to permit a change of opinion, or to conceal the purpose of establishing illegal worship, was brought forward by them after it had been given up by the Socinians. The assertion that the administration of 1813 would have sanctioned the views of the memorial shows that the memorialists were confident they were addressing friends. Lord Eldon's opinion would have governed his colleagues, and he had in the Scotch case laid down the rule that the chapel must remain dedicated to the principles of the founders, expressly shutting out the notion of its being property either held in partnership or transmissible to descendants, although the trust deed might be said to give some countenance to both those notions. The chief reason urged in the memorial is the necessity for future litigation, occasioned by the uncertainty what sect would be entitled to the chapels when vacated, but it is submitted that convincing reasons have been shown that the Independents, who hold more than half of the old meeting-houses still in existence, should have them all. The necessity of a separate suit for each of the 250\* chapels, if it had existed, and the possibility that the expense of a regular suit would exceed the value of most of the chapels and all property connected with them, on the one hand showed the duty of the government to establish a new method of procedure to meet such a defect of justice, and on the other, deprived of all force any argument for the limitation proposed grounded on remissness in appealing to the Court of Chancery. But Sir Samuel Romilly's act was in force, and the Socinians had petitioned under it in

\* Of the old Presbyterian chapels in England and Wales not 130 were in heterodox hands, and the heterodox General Baptist chapels do not exceed twenty-five.

the Wolverhampton case, even during the pendency of the information before Lord Eldon.\*

The question of fraud (as remarked by Mr Gladstone, p. 522), is the main consideration. Was Arianism introduced by the ministers, after due warning to their congregations, or merely by the perfectly efficient method of keeping silence with respect to all the subjects on which it bears, so that all in their congregations really attached to the teaching of the apostle Paul, (who is to us the great expounder of the religion of Christ), were driven away, and a generation raised up which did not complain of such preaching, because not acquainted with any other? The orthodox of the period referred to complained of deficiency and want of explicitness in the Arians, not of their preaching positive error, and all the phrases used respecting these Arians by their friends admit or imply an entire reserve as to all testing doctrines. Socinianism might occasionally be more outspoken, but this would scarcely be inferred from the depositions of its supporters noticed in pp. 282-4.

The allusion to the case of Romanists was most politic but not correct, as they were satisfied with their position.

The Socinians did not seek to retain only chapels the trust deeds of which were silent as to doctrine. Yet their advocates in the courts and from the press had based their case on the assertion that no Presbyterian deed gave any intimation as to the nature of the worship intended, and their friends in parliament seem to have confined the bill to chapels thus circumstanced, in order to give it even a chance of passing. This ground would no doubt have been taken here if prudent, but the framers of the memorial apparently desired to shun all inquiry into particulars. There were many other reasons for this, but one can be readily given: most of the deeds provided for the case of the worship intended being again made illegal by statute, and it was owing to the force of such expressions that their friend Lord Cottenham restored the Wolverhampton chapel.

It might have been expected that an application for a change of the law would have told the number of the chapels put in peril by the

\* It is amusing now to notice the hatred which Lord Eldon and Lord Redesdale bore to this attempt at reform in Chancery see 1 Bligh N.R., 17. The objections which they made are disposed of by the remark that the Judge before whom the petition first came should have directed it to be amended until it was sufficiently full and clear. The chief fault in proceedings under this act is the necessity for making the A.G. a party, for the Judge might direct him to intervene when necessary, and the only result now is his solicitor's costs. Sir Samuel was no doubt obliged to submit to this evil to legalize, for the benefit of the charities, and as a general precedent, a suit upon petition and affidavits. This improvement in the method of taking the direction of the court as to a charity was so great that the act is a worthy commemoration of Sir Samuel's name; and it might have indicated the nature of any new method of procedure needed to determine all questions as to the old meeting-houses.

decisions, and the proportion of them to which ministers' houses, schools or burial grounds had been added since the change of opinion in the congregations, but no details whatever are given, and this is to be accounted for only by the memorialists' belief that the ministry were so hearty in the cause that they did not care to know the exact facts connected with the subject, and that opponents might make use of particulars if given. The digest of the petitions from the congregations to be affected by the measure at p. 768, will give all the information possessed as to the chapels. The cases of rebuilding were not numerous, and most persons, it is supposed, will think that the permanent occupants of a chapel should not take credit for repairs done to it; under this view of the matter all mention of repairs was omitted in the summary of the contents of the petitions. Attachment to graves and monuments did not operate in more than a few cases, for the descendants of those whose monuments or tombs would have passed into other keeping were holding very lightly by the chapels, if they had not altogether forsaken them. Anyone acquainted with the congregations could give a list of the desertions during the last and present generations, which would justify the opinion that all feeling in this respect would soon pass away. The Heywoods and Lord Houghton will between them illustrate the relation of the old families to the chapels, not to speak of the descendants of Sir John Lee, Sir George Saville and Mr Brand Hollis, mentioned in the memorial with respect to the Essex Street Chapel; or those of Lords Ashburton and Gifford, Mr Commissioner Merivale, Sir John Kennaway, and Sir John Duntze, whose ancestors are mentioned in the petition from Exeter, as among the largest contributors to George's Meeting in that city. Such temporary considerations should have had no weight when the question was as to the perversion of a perpetual foundation, and they were out-weighed by the fact that the mortal remains and memories of the men who built the chapels and raised the congregations, would be held in greater veneration by men of their own faith than by their own descendants of alien notions. But rights denied to the founders of the chapels were recognized in those who had usurped the control and benefit of them.

The reader will find all the arguments of this memorial reproduced by the speakers in the debate as if their own.

This memorial did not afford sufficient information on any point to warrant its either being presented or received with a view to a change in the law regulating matters so delicate and important as places of worship and charities connected with religion, but we may be sure that any supplement to it would also have been reprinted with the debates. We may take it, therefore, that the government showed themselves willing to act upon this meagre and indefinite state-



ment. None of the real Tories spoke for the bill, though they voted for it, and Lord Derby, although in the ministry, did not vote for it. The measure seems to have been Sir Robert Peel's own; he consistently supported change of principles, and his zeal in the cause was shown by the series of misrepresentations constituting his speech, which must have been of his own invention.

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No. 15.

PETITIONS IN OPPOSITION TO THE BILL.

From Dr. Cooke, Moderator of the General Synod of Ulster.

Your petitioner has read a bill now before your honourable House for the regulation of suits relating to Dissenting chapels, and most heartily approves of the first clause, inasmuch as he is, and always has been, of opinion that the effect of every penal exception from the Toleration Act should be unequivocally removed; but to the remaining clauses of said bill your petitioner most decidedly objects, and humbly craves permission to submit the following reasons why these clauses should not pass into a law.

First. Because the bill supersedes the immemorial principle of equity, namely, that in regard to public charities every lawful trust should be administered according to the intentions of the founder.

Secondly. Because it supersedes the immemorial rule of equity for ascertaining the intentions of the founders of trust property, a rule which has hitherto never required the existence of any deed whatever, or demanded the production of "the express terms" of any positive writings, but allowed these intentions to be established by collateral proofs, by the testimony of historic facts, and other circumstances, which in many cases furnish a body of irresistible evidence, exceeding in force the conclusions derived from deeds and writings exposed to all the mutations of time and phraseology.

Thirdly. Because it appears to contravene the principle of limitation on which, in the case of ordinary property, length of possession is allowed to quiet titles, inasmuch as the present bill does not legislate against the claims of parties guilty, or presumed to have been guilty, of an abandonment of a right or some neglect of incumbent duty, but in favour of the wrong-doers themselves, who have unrighteously availed themselves of their lawful possession to abandon the rights they were bound to uphold, to neglect their own duties, and to violate the confidence reposed in them by the original founders.

Fourthly. Because, under the prospective operation of this bill, all confidence will be shaken in the stability of property devoted to chari-

table or religious purposes, inasmuch as, the legislature having interfered to supersede the principles of equity in regard to charitable trusts; principles which the present Lord High Chancellor of Great Britain has judicially pronounced to be founded "on common sense and justice;" there will henceforth be no limit to the extension of this dangerous precedent, and persons disposed to allocate their property to the purposes of charity or religion will see the means provided whereby their endowments may hereafter be employed in direct opposition to the objects for which alone they were originally bestowed and intended.

Fifthly. Your petitioner further objects to this bill, because it not only enables parties to frustrate the intentions of the dead, but also to abstract and misappropriate the property of the living; for your petitioner is prepared to prove to your honourable House that, within the last sixteen years, the Trinitarian Presbyterians in Ireland have been violently expelled from several of their houses of worship, and that from others they have been compelled to withdraw, in some cases slowly, as the Unitarianism of their ministers began to be suspected, and in other cases en masse when Unitarianism was openly professed, being thus subjected, not only to the loss of their own and their fathers' property, but to the heavy expense of erecting new buildings for themselves; while every attempt at obtaining restoration or amicable compensation having hitherto been evaded or denied, the present bill will perpetuate the wrong and legalize the usurpation.

Sixthly. Your petitioner further objects to this bill, not only on the ground of what he believes to be present injustice, but on account of its prospective effects upon the ecclesiastical property and discipline of the Trinitarian Presbyterians of Ireland, who constitute, as petitioner believes, ninety-nine of every hundred Presbyterians in that part of the United Kingdom. Your petitioner is prepared to prove to your honourable house that previous to the year one thousand seven hundred and three, Unitarianism was totally unknown among the Presbyterians of Ireland, and never, except in one instance, so far as petitioner knows and believes, acknowledged in the Synod of Ulster before the year one thousand eight hundred and twenty-seven. Hence it has come to pass that a departure from Trinitarianism being neither anticipated nor dreaded, Presbyterian trust-deeds in Ireland have until lately been framed without any guard against a system of doctrine comparatively unknown, and in fact without any express specification of the doctrines to be taught. Your petitioner also believes that for a great number of Presbyterian chapel-properties there never have been either deeds or trustees, but a mere possession, founded on the generosity of landlords to their tenantry, whereby the occupiers are absolutely barred from any defence of their rights arising from the provision of "express terms," as set forth in the bill now before your honourable House.

To the third clause of the bill your petitioner begs leave still further to object—First, because it contains a retrospective enactment forming no part of the bill as originally printed before it came to your honourable House, and one which bears the marks of its hasty origin by actually contradicting the marginal note of its contents, which still remains unchanged; secondly, because the parties interested in pending suits were lulled into security by the original form of the clause, and were ignorant of the alteration affecting their rights until it was printed by your honourable House, and consequently were prevented from petitioning to be heard against it by counsel in the House of Lords; and thirdly, because it appears to petitioner that to give to an Act of Parliament such retrospective effect as to reverse, at the request of interested parties, the judgment, not indeed technically pronounced, but yet arrived at and publicly declared, and that under the most solemn of obligations, and in the highest court of equity in Ireland, cannot be intended to prevent litigation, seeing that litigation had already terminated.

But, while your petitioner thus humbly objects as aforesaid, he would rejoice to see a bill pass into a law whereby the property of Unitarians should be unquestionably set free from all the penal exceptions of the Toleration Act, whereby the ancient and well-tried law of religious trust should be preserved inviolate, whereby the courts of law or equity should be enabled to distinguish in every case what proportion of Unitarian property had accrued to any Trinitarian foundation, or what proportion of Trinitarian property had accrued to any Unitarian foundation, to allot to each party, as the case might be, their just and respective shares, and even to invest such courts with a discretionary power of continuing all annuities during the incumbency of living possessors. In the way of such a measure of impartial justice, and respect for personal interests, your petitioner can discover no practical difficulty, while he humbly suggests that it is founded on the principles of the purest equity, provides for the exercise of a considerate but measured generosity, would extend undue favour to none, and afford substantial justice to all parties in every religious trust.

Your petitioner therefore prays that your honourable House will be pleased to reject the aforesaid bill, and, if necessary, introduce another which shall not supersede the established principles of equitable jurisdiction, or contravene the ancient and righteous maxim of English law, that no man shall take advantage of his own wrong.

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From the same.

In and since the year 1829, several congregations of said Synod, amounting, as petitioner believes, to not less than 10,000 individuals,

were, or have been, deprived of their houses of worship; some having been violently expelled, and others necessitated to withdraw in consequence of their ministers having for the first time known to them openly avowed themselves to be Anti-Trinitarians; and by the operation of the Dissenters' Chapels Bill, now before your honourable House, said congregations will be totally deprived of legal redress.

The prospective operation of the said bill would, in the opinion of petitioner, be ruinous to the peace and discipline of said Synod, and to the religious trust properties of many of their congregations.

Wherefore petitioner prays, that he may be heard by himself, his counsel, or agent, at the bar of your honourable House, against said bill, or against the second and third clauses thereof, as your honourable House may direct.

From the Committee for the protection of the civil and religious privileges of the Wesleyan Methodists.

Your petitioners, after a careful consideration of a bill introduced into your honourable House, intituled, "An Act for the regulation of suits relating to meeting-houses and other property held for religious purposes by persons dissenting from the United Church of England and Ireland," cannot but view it with the deepest regret, dissatisfaction, and alarm, and express their most decided opposition to such an enactment, for the following reasons:

Because it appears to your petitioners that the law of trusts as interpreted and acted upon by the courts in this kingdom is most obviously equitable and safe, as it righteously seeks the fulfilment of the intentions of the founders of such trusts, and the appropriation of the property so intrusted to the purposes which they in the trusts affected by this bill religiously contemplated. No inconvenience has arisen nor is likely to arise from its continuance to parties in rightful possession. and, in the opinion of your petitioners, it cannot be departed from as proposed, but by a violation of justice, and by a sacrifice, as uncalled for as it is alarming, of the principles of equity which have been repeatedly affirmed by the Courts of Chancery and the House of Lords; and which have been depended on and acted on by parties to such trusts as invaluable and indispensable guarantees of security. Any interference of the nature proposed, your petitioners cannot, therefore, too strongly deprecate.

Because the Wesleyan Methodists, in whose name your petitioners act, hold property to a very large amount by various forms of trusts, consisting of chapels, schools, and ministers' houses, as well as numerous charitable foundations, which might be in various ways dangerously interfered with by any departure like the one proposed from the usual

course of long-established and satisfactory law. These trusts have been formed with the belief and under the firm impression, which has been confirmed by the decisions of the courts, that the before-mentioned principle of interpretation with reference to trust property would continue to guide the administration of justice and be undisturbed by parliamentary interference. With the law as it stands your petitioners are satisfied, they are content to abide by its operation, and are decidedly opposed to any alteration, and much more to its being, as proposed by the bill now before your honourable House, practically superseded.

Because the bill proposes, in the opinion of your petitioners, in reality, by an arrest of the course of justice, to quiet Arians, Socinians, and Unitarians in the possession of property held in the same way as that to which the courts have declared they have no right, and which the founders of the trusts relating to such property never intended persons of their peculiar theological opinions to possess and enjoy. No length of time during which possession has been had of the property in question can, in the opinion of your petitioners, create a right which did not originally exist; but is a powerful argument why injustice, aggravated by lengthened continuance, should cease, and justice be now done in the legitimate execution of the trusts, and in the appropriation of the property so intrusted.

Because, as it appears to your petitioners, such alteration of the law would operate as a powerful discouragement to the formation of religious trusts for the future, as with a precedent sanctioning the infringement of trusts of this nature, no person could have security that his most cherished and conscientious intentions might not be defeated by some future act or acts of parliament, the principle of legislative interference with the solemnly declared objects of trusts like those with which the bill proposes to interfere being such as may with ease be made applicable in future to other cases of trust, in which parties may be interested in perverting property to objects dissimilar or opposed to those for which it was originally intrusted.

Because the alteration contemplated has not been preceded, as such an important change affecting such large interests, in the opinion of your petitioners, imperatively demands, by any parliamentary inquiry, but has been proposed without having been desired or sought by any considerable number of persons dissenting from the United Church of England and Ireland, and is calculated to benefit exclusively those who hold Anti-Trinitarian opinions, and that in a way which cannot but be eventually injurious to those religious bodies which constitute so large a proportion of the whole population. In addition to the injustice of the measure, on which your petitioners found their chief objection, it would be neither wise nor safe so to alter the law in favour of one party only

as to destroy or even endanger the acknowledged legal and equitable claims of the orthodox religious bodies in the kingdom.

Because in Ireland, property consisting of chapels, parsonages, school buildings, and other charitable foundations, to a much larger amount than in England, has been diverted from its right use; the alienation of which would be perpetuated by the proposed bill, and that under circumstances of peculiar aggravation, inasmuch as it would sanction and confirm the usurpations of parties holding doctrines and teaching religious peculiarities considered not only by the churches of England, Ireland and Scotland, but by all other branches of the Catholic Church, in all ages, to be opposed to "the faith once delivered to the saints," and therefore endangering in the most fearful and fatal manner the best present and everlasting interests of the community.

Your petitioners therefore, in the discharge of their imperative duty, object to the enactment of the proposed bill, and respectfully but firmly protest against its further progress.

That, while your petitioners think that Arians, Socinians, and Unitarians are protected in the enjoyment of trusts which they founded prior to the repeal of the penal clause in the Toleration Act, it having been ruled in the courts that such repeal was retrospective as well as prospective, they would offer no objection to a specific legislative declaration of such protection.

Your petitioners therefore, respectfully and earnestly pray that your honourable House will not allow the bill to become law.

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From the Congregational Union of England and Wales, at their Annual Meeting.

This meeting, having had its attention called to the Religious Trusts and Dissenters' Chapels Bill, feels called upon to enter its decided protest against the passing of any such measure, deeming it a flagrant violation of long-established and acknowledged rights, and forming a most dangerous precedent for future interference by the legislature with religious trust.

The proposition now made to pass a statute of limitation, in reference to trust property, by which an adverse usage for twenty-five years shall be allowed to supersede the well-ascertained intentions of the founders, is, in every respect, contrary to common sense and common justice; the adoption of such a rule would give a legal sanction to the most profane use of places of public worship, intended by the pious founders for the worship of Almighty God, and the faithful ministration of Christian truth; as this bill, limited in effect to those cases where the doctrines to be taught are not laid down in "express terms," has been

declared by its author to be a "very scanty measure of justice," and a wish has been expressed by a noble and learned lord, its most zealous advocate, that the test of usage should be still further extended, there is every reason to believe that, if the bill be allowed to pass into a law, it will soon be followed by other measures of a still more fatal tendency, and thus the interest of religious truth will be most fatally compromised.

The property to be affected by the bill having been put in trust for the maintenance of Trinitarian sentiments, under the authority and sanction of the law, a solemn compact was entered into between the legislature and the founders, that so long as the maintenance of such sentiments should be regarded by the state as consistent with public policy, and not injurious to the common weal, the intentions of such founders should be sacredly and permanently regarded; such compact has been uniformly and faithfully observed by the state for the past one hundred and fifty years, and on every appeal which has been had to the courts of equity and to the House of Lords—that supreme tribunal of our courts of judicature—this just and righteous principle has been vindicated and established, and the intentions of the founders declared to be the sole guide for the administration of trust property.

For the state now to interpose and to legalize the breach of this sacred obligation without any reason being pretended that the maintenance of Trinitarian opinions is contrary to public policy, or prejudicial to the common weal, is such a breach of constitutional obligation as must tend materially to shake all confidence in the stability of legal and constitutional rights, and by exposing all religious trusts to the constant interference of the legislature, must place the interest of all religious bodies in the empire in a condition of the greatest insecurity and danger.

This meeting earnestly protests against the principle that, because certain parties are found in the enjoyment of trust property to which they have no title either in law or equity, therefore the law must be subverted in order that such parties may be screened from the judicial consequences of their own acts, and may be confirmed in the unlawful enjoyment of such property; such a principle, if acted upon and adopted by the legislature, would establish a most pernicious and fatal precedent, the distinction between right and wrong would be confounded, and the foundation of all law would be overthrown, when it is once determined that the law is to be conformed not to the immutable and unerring principles of moral rectitude but to the practice of its acknowledged violaters.

The alarm naturally excited among all religious bodies by this unprecedented interference with religious trusts is greatly aggravated by the fact that the bill has taken its rise in, and been already passed by, the House of Lords, a branch of the legislature to which the nation has

always looked up as the constitutional guardian of the rights of property, and as the final court of appeal upon all questions arising out of disputes concerning the rights to property, especially bound to maintain inviolate the long-established and universally-approved principles upon which the law of charitable trusts is founded.

The proposition now made to endow Unitarianism with the chapels and other property in trust for the maintenance of Trinitarian sentiment is an additional aggravation of the unjust principles involved in the said bill ; if it be thought desirable by the legislature to establish and endow the Unitarian form of faith, this meeting is of opinion that such a proposition should be made openly ; as this meeting would feel itself bound to oppose any such proposition, it feels itself doubly bound to enter its solemn protest against the proposition now made to transfer the property of Trinitarians to Unitarians, and thus to apply the property of the pious dead to the subversion of that faith which they cherished and supported while alive, and for the maintenance of which after their deaths they founded these charitable trusts.

The ground upon which it is attempted to justify so entire an overthrow of constitutional principles, namely, in order to save the party the expenses of litigation, is, in the opinion of this meeting, utterly fallacious and untenable ; that, if carried out to its illegitimate extent, it would cause the abolition of all our courts of judicature which have been established with a view to the recovery of lost rights by means of litigation ; if the process of the courts of equity be too dilatory or expensive, the proper remedy for those evils would be a wise and well-digested reform of these establishments, and not the abolition of one of the most important branches of their jurisdiction ; in the opinion of this meeting, the most fruitful source of litigation is the uncertain state of the law ; but, as the law of religious trusts is now indisputably settled by repeated decisions of the courts of equity, confirmed on appeal by the House of Lords, there can be no ground for apprehending that any expensive litigation could arise upon these points, whereas the bill, by unsettling the law which is now clearly ascertained and established, will render legal investigations in many cases imperative, and will thus introduce the very evil which it professes to avert.

Your petitioners therefore humbly pray your Honourable House that the Dissenters' Chapels bill may not pass into a law.

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From the United Synod of Original Seceders now convened.

Your petitioners understand with deep concern that a bill is about to be proposed to your honourable House, which may have the effect of securing those calling themselves Unitarians in the possession of chapels



and other property found by law to have been bequeathed by orthodox or Trinitarian Presbyterians for the special behoof of those who hold orthodox or Trinitarian sentiments, and your petitioners, regarding these sentiments as essentially and diametrically opposed to those held by Unitarians, would earnestly deprecate such a measure, as not only an act of injustice, implying the alienation of funds to a purpose which was never contemplated by the original donors, and which they would have shrunk with horror at the idea of promoting, but as virtually involving, if sanctioned by Parliament, a national abandonment of the most sacred and fundamental principles of our holy religion.

May it therefore please your honourable House to refuse every measure of such a character which may have the effect of securing to Unitarians the possession of property which has been thus bequeathed.

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No. 16.

Protest of the Bishop of Exeter against the bill as it passed the Lords.

DISSENTIENT. 1. Because usage has, with the best reason, never before been suffered to prevail against the purposes of a charitable trust, inasmuch as in such a case adverse usage is only a series of malversations of the trustees; and to give not only impunity but triumph to such proceedings, is to encourage by act of parliament the violation of all public trusts, and the perversion of all charities.

2. Because the bill in its main provision proceeds on the principle of disregarding the intentions of the founders of the charities in question. It is only in cases where these intentions can be ascertained that the measure will have any effect. For in other cases, where the intention cannot be ascertained, usage would of course prevail, and so the bill must be altogether nugatory, except to defeat the ascertained intentions of founders.

3. Because the distinction drawn between those cases in which the particular purposes of the trust are declared in express terms, and others in which, being ambiguous, they can be ascertained by the aid of external evidence, is contrary to the principle which has been declared by the present Lord Chancellor not only to be "uniformly acted upon in our courts of equity," but also to be "founded in common sense and common justice." To introduce an opposite rule, and apply it to existing trusts, is to make an *ex post facto* law, subverting the rights of the proper beneficiaries, as well as violating the intentions of founders.

4. Because the alleged grievance may be redressed by a much less extensive enactment. If there be any meeting-houses which can be shown to have been founded for religious worship not tolerated by law

at the time of their foundation, but which have since been admitted to toleration, and if it be deemed right to quiet the titles of the possessors of such meeting-houses, it cannot be difficult to devise a measure which shall secure that object, without violating principles which have hitherto been deemed inviolable.

5. Because the alleged reason for this measure (a wish to prevent litigation) ill accords with the provision for effecting it. "The usage of the congregations frequenting the meeting-house" during years is to "be taken as conclusive evidence of the religious doctrines or opinions for the preaching or promotion of which such meeting-house was founded." Yet of all conceivable incitements to litigation, none more stimulating can be devised than the uncertainty of such usage, and the facility of shaking the proof of it.

Neither can such a provision be satisfactory to those who demand an alteration of the present state of the law; for, to fix the religious doctrines to be taught in such meeting-houses by the usage of years past which is, in effect, mere tradition, the tradition of a brief number of years, and the authority, it may be, of a single preacher, is not only unreasonable in itself, but contradicts the principle claimed by a large portion of the petitioners, that they shall use their meeting-house according to the free exercise of their private judgment and the right of free enquiry in all matters of religion, unshackled by any rule of faith or worship.

It is, moreover, irreconcilable with the allegations of fact set forth by the soberest advocates of the measure, that "in such bodies as Dissenting congregations, with no effective church government, and no power to lay down binding rules of faith, fluctuations of doctrinal opinion in long periods of years are in the nature of things unavoidable."

6. Because this measure, thus contrary to the established principles of law and equity, is notoriously introduced to quiet the titles of parties who have usurped meeting-houses built for the worship of the true God and have perverted them to an use which their founders could not but have deprecated as profane and impious.

7. Because in avowed favour to a class of persons who deny the Deity of our Lord and Saviour Jesus Christ, a construction is by implication put on the 53rd [George III. c. 160, which that statute never received in a court of justice, and which is contrary both to high legal authorities and to the known intention of at least one of the two Houses of Parliament which passed it, namely, that "to deny any one of the Persons of the Holy Trinity to be God," being "unlawful prior to the passing of that act," was thereby "made to be no longer unlawful." Whereas the statute 9 and 10 William III. c. 32, the provisions of which were then in part repealed, a statute enacted at a time when Lord

Somers, the most ardent and enlightened advocate of true and just toleration, was Lord High Chancellor of England, did not constitute, but solemnly recognize the previous criminality of such a denial. It is an act entitled "An Act for the more effectual Suppression of Blasphemy and Profaneness." Its preamble characterizes the opinions against which it is directed as "blasphemous and impious opinions, contrary to the doctrines and principles of the Christian religion, greatly tending to the dishonour of Almighty God, and which may prove destructive to the peace and welfare of this kingdom." It proceeds to enact, that "for the more effectual suppressing of the said detestable crimes, (thus manifestly implying that they were before, and if that act had never passed, unlawful,) whosoever, having made profession of the Christian religion within this realm, shall, by writing, printing, teaching, or advised speaking, deny any one of the Persons of the Holy Trinity to be God," &c., shall incur certain heavy penalties which have been subsequently repealed.

8. Because, even if with all statutory penalties, all liability to indictment was removed by the 53rd George III. c. 160, yet the denial in question is notoriously a heresy of the gravest and most malignant character, and, as such, is contrary to the common ecclesiastical law, which, according to every authority which can be cited, is as truly a part of the law of the land as the common temporal or statute law.

9. And, lastly, because the violation of such principles for such an object, can hardly fail to excite in the people an apprehension of the readiness of the legislature to sacrifice the most approved rules of law, and the most sacred interests of religious truth, to a temporary and fancied expediency. It not only wounds the conscience and outrages the feelings of those who adhere to the true faith, as it has in all ages been held by the law of every one of the three realms comprised in this united kingdom and empire, but it also contradicts the fundamental and hitherto unquestioned principle, that the Christian religion is the basis of the law of England; for this Christian religion is declared in the Act of Toleration itself to be the faith of the Holy Trinity. That act, in substituting a declaration in lieu of oaths to those who scruple the use of oaths, requires them to "subscribe a profession of their Christian belief in these words: 'I, A. B., profess faith in God the Father, and in Jesus Christ his eternal Son, the true God, and in the Holy Spirit, one God, blessed for evermore.'"

H. EXETER.

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No. 17.

The Bill as it finally passed, with explanatory notes. The alterations are in italics. For bill as introduced see p. 497.

Recital of 1 W. and M., sess. 1, c. 18; 19 G. 3, c. 44; 53 G. 3, c. 160; 6 G. 1 (I.); 57 G. 3, c. 70 (I).

And whereas prior to the passing of the said recited acts respectively, as well as subsequently thereto, certain meeting-houses for the worship of God, and Sunday or day schools (not being grammar schools), and other charitable foundations, were founded or used in England and Wales and Ireland respectively for purposes beneficial to persons dissenting from the Church of England and the Church of Ireland and the United Church of England and Ireland respectively, which were unlawful prior to the passing of those acts respectively, but which by those acts respectively were made no longer unlawful. It is enacted.

I. That with respect to the meeting-houses, schools and other charitable foundations so founded or used as aforesaid, and the persons holding or enjoying the benefit thereof respectively, such acts, and all deeds or documents relating to such charitable foundations, shall be construed as if the said acts had been in force respectively at the respective times of founding or using such meeting-houses, schools and other charitable foundations as aforesaid.

2. That <sup>1</sup> *so far as* no particular religious doctrines or opinions, or mode of <sup>2</sup> *regulating* worship, shall <sup>3</sup> *on the face of the will, <sup>3</sup> deed, or other instrument* declaring the trusts of any meeting-house <sup>4</sup> *for the worship of God by persons dissenting as aforesaid, either in express terms, <sup>5</sup> or by reference to some book or other document as containing such doctrines or opinions or mode of regulating worship,* be required to be taught <sup>6</sup> *or observed or be forbidden to be taught or observed therein, the usage for twenty-five years <sup>6</sup> immediately preceding any suit relating to such meeting-house* of the congregation frequenting the same, shall be taken as conclusive evidence <sup>7</sup> *that such religious doctrines or opinions or mode of worship as have for such period been taught or observed in such meeting-house, may properly be taught or observed in such meeting-house, <sup>8</sup> and the right or title of the congregation to hold such meeting-*

<sup>1</sup> "So far as." To meet cases like the General Baptists, who have in their deed one provision, i.e., for the observance of adult baptism, and no other. They asked for this alteration.

<sup>2</sup> "Regulating." At the request of the Wesleyans. They have no mode of worship expressed in their deeds, but a reference to their Conference as regulating it.

<sup>3</sup> "Will" or "other instrument," "or by reference to some book." Also at the request of the Wesleyans. In their deeds doctrines are not set out, but there is a reference inserted to four volumes of Mr Wesley's sermons as containing them. "Will" was in deference to a criticism on the bill in the Jurist.

<sup>4</sup> "Meeting-house for worship of God," instead of "such meeting-house." To make it clear that all chapels built after 1813 are to be within the clause.

<sup>5</sup> "Forbidden to be taught," added at the request of the Wesleyans.

<sup>6</sup> "Twenty-five years immediately before suit." To obviate objections made in the Commons of uncertainty as to what period usage was to relate.

<sup>7</sup> "That such religious doctrines as have been taught," &c., may be taught. To meet an objection made particularly by Lord Sandon and Mr Cardwell (whose amendment this is), that otherwise the present opinion of a congregation might be imposed on the chapel in perpetuity.

<sup>8</sup> To carry out more fully the same object.

house, together with any burial-ground, Sunday or day school or minister's house attached thereto ; and any fund for the benefit of such congregation, or of the minister or other officer of such congregation, or of the widow of any such minister, shall not be called in question on account of the doctrines or opinions or mode of worship so taught or observed in such meeting-house : <sup>9</sup> Provided nevertheless, That where any such minister's house, school or fund as aforesaid shall be given or created by any will, deed or other instrument, which shall declare in express terms, or by such reference as aforesaid, the particular religious doctrines or opinions, for the promotion of which such minister's house, school or fund is intended, then and in every such case such minister's house, school or fund shall be applied to the promoting of the doctrines or opinions so specified, any usage of the congregation to the contrary notwithstanding.

3. Provided also that nothing herein contained shall affect <sup>10</sup> any judgment, order or decree already pronounced by any court of law or equity ; but that in any suit which shall be <sup>11</sup> a suit by information only, and not by bill, and wherein no decree shall have been pronounced, and which may be pending at the time of the passing of this act, it shall be lawful for any defendant or defendants for whom the provisions of this act would have afforded a valid defence if such suit had been commenced after the passing of this act, to apply to the court wherein such suit shall be pending ; and such court is hereby authorized and required, upon being satisfied by affidavit or otherwise that such suit is so within the operation of this act, to make such order therein as shall give such defendant or defendants the benefit of this act ; and in all cases in which any suit now pending shall be stayed or dismissed in consequence of this act, the costs thereof shall be paid by the defendants, or out of the property in question therein, in such manner as the court shall direct.

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#### No. 18.

The birth years and death years of the Divines, quoted or referred to in the Proofs, as favouring some assertion advanced there.

The dates to be borne in mind with reference to all authorities are 1710 as the close of the chapel-building period, and 1704 as the date of Lady Hewley's chief foundation.

<sup>9</sup> Proviso added at instance of Mr Hardy. To meet the possible case of some accretion having been given, with an express doctrinal purpose in the accretion deed, to some chapel without a doctrinal trust deed.

<sup>10</sup> The words "Right or title to property derived under or by virtue of," were omitted, to make it clear that Lady Hewley's case was not to be affected by the Bill ; for though there has been a judgment, no right to property has been yet derived in that suit.

<sup>11</sup> "Suit by information," &c. To make it clear that pending suits as to private rights, if there were such, should not be affected.

William Chillingworth, 1602—1644.  
 John Hales (the ever-memorable) 1584—1656.  
 Edward Bowles, York, 1613—1662.  
 Bishop Jeremy Taylor (Down and Connor), 1613—1667.  
 Dr. Thomas Manton, 1620—1677.  
 Thomas Brooks, died 1680.  
 Bishop John Pearson, (Chester), 1613—1686.  
 Richard Baxter, Blackfriars, 1615—1691.  
 Charles Morton, Newington, 1626, went to New England 1688.  
 Archbishop John Tillotson, (Canterbury), 1630—1694.  
 Oliver Heywood, Northowram, 1629—1702.  
 John Howe, Silver Street, 1630—1705.  
 John Chorlton, Manchester, died 1705.  
 Matthew Warren, Taunton, died 1706.  
 Thomas Doolittle, Monkwell Street, died 1707.  
 Francis Tallents, Shrewsbury, 1629—1708.  
 Lady Hewley, 1627—1710.  
 Richard Stretton, York, 1632—1712.  
 Matthew Henry, Chester and Hackney, 1714.  
 Bishop Gilbert Burnet, (Salisbury), 1643—1715.  
 John Shower, Old Jewry, 1657—1715.  
 Dr. Robert South, 1633—1716.  
 Dr. Daniel Williams, Hand Alley, 1644—1716.  
 James Coningham, Manchester, died 1716.  
 Henry Moore, Bridgewater, died 1717.  
 Samuel Jones, Tewkesbury, died about 1717.  
 James Pierce, Exeter, 1673—1726.  
 Clerk Oldsworth, Crosby Square, died 1726.  
 William Tong, Salters' Hall, 1662—1727.  
 Benjamin Bennet, Newcastle, 1674—1726.  
 Dr. Joshua Oldfield, St. Thomas's, 1656—1729.  
 Dr. Samuel Clarke, St. James's Westminster, 1675—1729.  
 Samuel Bury, Bristol, died 1730.  
 Dr. John Evans, Hand Alley, 1696—1730.  
 Dr. Thomas Colton, York, 1658—1731.  
 Bishop Francis Atterbury, (Rochester), 1662—1731.  
 Dr. Edmund Calamy, Prince's Street, Westminster, 1671—1732.  
 Simon Browne, Old Jewry, 1680—1732.  
 Henry Grove, Taunton, 1683—1738.  
 Bishop Francis Hare, (Chichester), died 1740.  
 Dr. William Harris, Crouched Friars, 1675—1740.  
 John Newman, Salters' Hall, 1676—1741.  
 Thomas Emlyn, Dublin, 1663—1743.

- Dr. Jeremiah Hunt, Pinners' Hall, 1678—1744.  
 Dr. Samuel Wright, Carter Lane, 1683—1746.  
 Bishop Edmund Gibson, (London) 1670—1748.  
 Dr. Isaac Watts, Bury Street, 1674—1748.  
 Dr. Obadiah Hughes, Prince's Street, 1695—1751.  
 Dr. Philip Doddridge, Northampton, 1702—1751.  
 William Whiston, Cambridge, 1667—1752.  
 Bishop Joseph Butler, (Durham), 1692—1752.  
 Dr. Charles Rotheram, Kendal, died 1752.  
 Moses Lowman, Clapham, 1680—1752.  
 Dr. James Foster, Pinners' Hall, 1647—1753.  
 Samuel Bourn, Birmingham, 1689—1754.  
 Dr. Ebenezer Latham, Findern, died 1754.  
 Timothy Jollie, jun., Miles's Lane, 1693—1757.  
 Dr. Benjamin Grosvenor, Crosby Square, 1695—1758.  
 Bishop Robert Clayton, (Clogher), 1695—1758.  
 Bishop Benjamin Hoadley, (Winchester), 1676—1761.  
 Bishop Thomas Sherlock, (London), 1678—1761.  
 Dr. John Taylor, Norwich and Warrington, died 1761.  
 Dr. George Benson, St. John's Court, Southwark, 1699—1762.  
 John Barker, Hackney, 1682—1762.  
 Dr. Samuel Chandler, 1693—1766.  
 Dr. Richard Lardner, Crouched Friars, 1684—1768.  
 Archbishop Thomas Secker, (Canterbury), 1693—1770.  
 Dr. Caleb Fleming, Bartholemow Close and Pinners' Hall, 1698—  
 1779.  
 Micaiah Towgood, Exeter, 1700—1782.  
 Dr. Andrew Kippis, Westminster, 1725—1795.  
 Professor Hey, Cambridge, 1734—1815.  
 Bishop Richard Watson, (Llandaff), 1736—1816.  
 Bishop George Tomline (Winchester), 1750—1827.

It was at one time determined to give in this Appendix all the quotations which are only referred to at pp. 71-2, but they do not carry the matter further than those from Calamy and Jollie, p. 72, and the volumes quoted from were all published too late fairly to bear upon the point in question.

## ADDITIONS AND CORRECTIONS.

p. 10, l. 17. Dr. Evans's list No. 2 of the Appendix shows 1200 chapels, 750 Presbyterian, 200 Independent, and 250 Baptist. One chapel is reckoned for every group of villages having one minister between them on the supposition that there would be a chapel in the one in which the minister was stationed, but that in the others there would be only preaching rooms.

p. 15, l. 11. The ministers and elders in Essex were, in 1647-8, divided into 14 classes, by ordinance of the Committee of Lords and Commons. Classes seem to have been formed of congregations in other parts without districts of country being assigned to them.

p. 15, l. 18. Parliament confirmed and sanctioned the Westminster Confession as respected doctrines, but not as regards discipline. The Presbyterian form of Church government never was even theoretically constituted the national religion. The Middlesex Provincial Assembly or Synod did not meet after 1655. Particulars will be found in Neal's History.

p. 17, l. 17 from bottom. No instance seems to have been brought to light of elders having, after the restoration, had this power, or of their exercising any definite functions.

p. 19, l. 13 from bottom. York is not in the West Riding.

10 from bottom : There was also one for Shropshire and the northern counties of Wales.

p. 19, l. 22. Dr. Culamy says that through the Salters' Hall meeting "the united became the divided ministers," implying that the union had continued up to that time. In London Independent ministers joined in examining Presbyterian ministers on their "passing trials" as in Dr. Grosvenor's case in 1699, and in their ordinations or settlements, as in Mr Showers's on p. 725.

p. 19, l. 23. The present Old Meeting at Dukinfield was always Presbyterian; the Independent congregation, one of the first in the kingdom, met in a room in Dukinfield Hall. The congregation at Pinners' Hall London, the Upper Meeting, Sheffield, and Dean Row Cheshire, as well as Call Lane, Leeds, now Socinian, were originally Independent. That at Rotherham seems to have been originally Presbyterian.

p. 28, l. 23. All those doubts are cleared up in No. 4 of the Appendix.



p. 34, l. 11 from bottom. The state of things between 1714 and 1744 is well shown by extracts from Mrs Savage's Diary, published by Sir J. B. Williams in the Congregational Magazine for 1831. She mentions the following occurrences: 1714 and 1726, sermons of Mr Gardner of Chester; 1714-1730 sermons of Mr Berry of Shrewsbury; 1725 death of Mr Beynon of Whitchurch; 1723-1741 sermons of Mr Dobson of Shrewsbury, and his death in 1743; 1726 opening of new chapel at Namptwich, when Mr Owen of Warrington, and Mr Gardner preached; 1728 ordination of Mr Colthurst of Whitchurch, in which, in addition to Mr Berry and Mr Dobson, Mr Kenrick of Wrexham (his sermons are mentioned till 1731), Mr Venables of Oswestry, and Mr Holland of Wem, took part; 1729 Mr Haines becoming Mrs Savage's minister at Namptwich, death of Mr Gee of Leicester; 1730 death of Mr Bury of Bristol; 1730 sermon of Mr Braddock, ordination of Mr Hugh Worthington of Dean Row and Mr Nichols, (of whom no particulars are stated), in which Mr Gardner of Chester, and Mr Worthington, senr., (qy. of Durham) took part; as to the Mr Worthington ordained see the Cheshire volume; 1731 sermon of Mr Fleming, (qy. of Bridgnorth); 1739 death of Mr Colthurst of Knutsford; 1740 ordination of Mr Phillips of Bromsgrove, when twenty-five ministers were present; 1741 death of Mr Warner of Walsall; 1742 deaths of Mr Stokes of Dudley, Mr Warren of Coventry, and Mr Bradshaw of Kidderminster; 1743 ordination at Dudley of Mr Hancox of Dudley, and Mr Fownes of Cradley; 1746 death of Mr Mattocks of Birmingham. Mrs Savage's son-in-law, Mr Witton of Westbromwich, preached the funeral sermons of Mr Warner and Mr Mattocks. There can be no doubt of Mrs Savage being thoroughly evangelical, (in these extracts she mentions in 1732 saying over the Assembly's Catechism to herself in bed); and as she speaks of all these ministers with approbation, they must all have been orthodox in her time, though it is asserted that Mr Gardner and Mr Witton became Arians before their deaths. Several of the others may have been the last ministers of their chapels who were orthodox. Of all the ministers here mentioned Mr Dobson was the only Independent, the Dissenters in the district being almost exclusively Presbyterians. On his retirement his congregation joined Mr Berry's Presbyterian one.

p. 44, l. 5 from bottom, "in many chapels" should be added, for no doubt Dr. Caleb Fleming and two or three more preached Socinian notions before Dr. Priestley's time.

p. 59, l. 15 from bottom. After the Revolution church covenants were entered into, chiefly by Independent churches, and indeed they are scarcely consistent with the laxity of Presbyterian congregations. The church at Worcester entered into one which they consider to

have been formed on Mr Baxter's model, and they were not at that time Independents. It appears from the minutes of the Cheshire Association (quoted by Mr Urwick in the Cheshire volume), that in June 30th, 1691, Matthew Henry being then present for the first time, "a project was drawn up for a rule to be observed in the admission of members into church communion, particularly into the Lord's Supper for God's glory and godly edifying, and approved of and consented to by all the members then present, viz :

"1. That such as do desire communion with us come to discourse the minister, who, upon satisfaction received concerning them, is to propose them to the church, and the church is to take competent time to consider of their fitness. 2. Upon the church's satisfaction with them, we take their silence for satisfaction, the persons to be received in manner following.

"2. "Let the persons present themselves at a convenient church meeting, and there acknowledge and renew their baptismal covenant, and consent to walk in communion with that church, according to gospel order.

"3. That the minister is solemnly to pray for them and admit them with the church's consent, whereupon minister and people are mutually to discharge their duty to one another."

This is real Independency, and nothing is said as to elders.

p. 61, l. 4. In the 8th volume of the Protestant Dissenters' Magazine for 1799, p. 234, is a letter to the Editor, from E. T. J., of London, in these words: "Sir, Induced by your review of Mr [Rowland] Hill's Tour, I perused it, and I think with you that he is inaccurate in his distinctions between the different denominations of Dissenting Protestants. Some years ago I remember a question proposed by a counsellor learned in the law to a late country minister, to which the enclosed is an answer. It was occasioned by several law suits then taking place about the settlement of ministers reputedly Independents in meeting-houses said to be Presbyterian. On one of these trials a witness declared that he was in judgment an Independent, but said he was the minister of a Presbyterian congregation, because there was no difference between them, and the verdict for the defendant being brought up to the Court of King's Bench for revisal, Lord Mansfield\* said he could not perceive where the difference lay, uay, a celebrated dissenting barrister

\* That no other trace remains of the decision in the text than this letter is not to be wondered at; the law reporters would think it below their notice. Such a judgment was what might have been expected from Lord Mansfield; he would know what Presbyterianism was in Scotland, and would require little evidence to shew him the true state of the case, as to the English denominations; and he never allowed a mere name to counterbalance fact. Lawyers no doubt have cause for describing Lord Mansfield as having broken in upon the old law of real property, but Dissenters should not forget that he put them on a new footing by declaring that they were established by the

confessed he knew of none." Mr Hill's remarks in his Tour relate to real Presbyterianism as it is found in Scotland, and though he notices the English Presbyterians of the time of the civil war, he does not refer to those of his time. The author of the letter communicated by E. T. J. describes the Presbyterians of Scotland, and the Independents. He says of the original Independents: "Their minister was one of their own body, chosen from among themselves, and appointed by themselves, or if they chose one that was a member of another congregation to be their minister, he must first of all be dismissed from the society he belonged to, and commence a regular member of the society he was to be ruler of before he could be installed (sic) into that office," he adds, "each church had a ruling elder." With regard to the English Presbyterians, he says that "time has meliorated" them; that their ministers' tenure of office is *durante beneplacito populi*, [contrary to the general opinion stated, p. 18, sup. ;] that "the prerogative of sending persons out, or recommending them to preach, is not in the smallest degree in the people, but the ministers within a certain district or connection settle it;" that "a minister is not ordained to any particular church, but simply as a minister;" and that "if any person wants to be admitted to the Sacrament, (which is usually styled the being a member), the method is to satisfy the minister, and then he gets in, for though in some places the minister tells the people 'That such or such persons want to go with them to the Sacrament, and he hopes they have no objection;' yet this is all a matter of form or enquiry if they know any thing against their moral character: the chief business is with the minister, the rest abide by his determination." He concludes from this representation "I presume then that there is as much difference between a genuine Independent church and a genuine Presbyterian one as between a complete democracy, and any other kind of government you can specify: I say a genuine Independent and a genuine Presbyterian, for there are cases in which the Presbyterians have veered towards the Independents, and others in which the Independents have inclined towards the Presbyterians. . . . Many of [the Independents] follow the Presbyterians of late in the admission of ministers, and differ but little in that of members, for the minister reads a written application of the person to him requesting admission, and this alone is implicitly acquiesced in by the people." This letter is signed E.G., and the writer describes himself as a member of a "strict, stiff, or rigid Independent church, which,

Toleration Act. It was also his good fortune to have the opportunity of proclaiming to the world that no man breathing the air of England could remain a slave, and it was the better said that he gave no authority for it. The other boast of his admirers, that he was the father of our commercial law, amounts to little when it is recollected that it is said to be worse than that of any other civilised country; this however is no doubt the fault of juries, and in particular of special juries of London merchants.

according to records originated about the latter end of Charles the First's reign."

In the same volume is a letter from another correspondent, in reference to E. T. J.'s letter, and in recommendation of real Presbyterianism. He points out the original principles of that system, not mentioning the eldership, and adds, "the nominal Presbyterian ministers and congregations in England in the present day, even those who are avowedly of Unitarian and Arminian principles, are virtually and *ipso facto* as much Independents as the most rigid Calvinists of that denomination."

p. 62. Those who examined the trust deeds of Independent chapels on behalf of the Congregational Board, prior to its sanction of their being begged for in London, when it took that trouble on itself, assert that none of the deeds of the old Independent chapels contained any specification of doctrine, but that the framers contented themselves with declaring that the chapel was for the use of Independents or Protestant Dissenters.

p. 66, l. 10 from bottom. This is an admission of the existence of the associations in imitation of the Happy Union.

p. 78, l. 1. See Appendix No. 8, p. 724.

p. 81, l. 21. One of the questions which, in accordance with the Assembly's Directory, was put to Presbyterian ministers on their ordination, was in these words: "Do you promise you will be zealous and faithful in the defence of truth and unity against error and schism?" This question continued to be put long after it had lost all meaning, or at least all effect. As early as 1716 Mr (afterwards Dr.) John Taylor of Kirkstead, in Lincolnshire, on his ordination by the ministers of Derbyshire, answered it thus: "I do promise, through God's assistance, that I will in a manner consistent with Christian love and charity, maintain the truths of the Gospel, especially such as are beyond controversy determined in the Holy Scriptures, and will strive to inculcate them upon the minds of all with whom I have to do. I will heartily endeavour to propagate Christian charity, and shall see them with real pleasure when I see believers maintain the unity of the spirit in the bond of peace." The ministers who signed the certificates were: Rob. Fern [Worksworth], G. Jones [Hatherlow, Cheshire], John Hardy [q. Nottingham], John Ashe [Ashford, see Prot. Diss. Mag. v. 401], John Thomas [Chesterfield], George Lowe [charge unknown], J. A. Clegge, Scribe [Chapel le Frith]. What could be done in respect of such an answer as this?

p. 86, l. 6. Dr. Jennings contracted great odium by dismissing a student on the ground of his opinions being erroneous.

p. 88, l. 15 from bottom. The "Apostle's Creed" seems here treated as Trinitarian.

p. 119, l. 11 from bottom. Mr Stretton's son, Richard, who died young, was in 1688 minister of an Independent congregation in York Buildings.

p. 126, l. 4 from bottom. The Presbyterian chapels at Swanland and Cottingham are now in possession of Independents, and the chapel at Beverley seems from Dr. Evans's list to have been an Independent one in his time.

p. 126, l. 9. "Mr Root of York," is named by the Rev. Joseph Carpenter of Warwick, afterwards of Worcester, with Mr Rogerson of Derby, Mr Pickard of London, Mr Ward, then of Whitney Oxfordshire, afterwards of Taunton, and Maid Lane Southwark, Mr Hampson of Banbury, Mr (afterwards Dr.) Chandler, and Dr. Benson, in a manner which shows none of them were orthodox. Mr Carpenter, (then of Warwick), in a letter of 1743, refers, with all Mr Bourn's indignation, to the candidate at Kidderminster, who it appears was Mr Statham, being questioned in the manner mentioned at p. 191; and in the same letter he refers to the ordination at Dudley, mentioned in p. 801, but gives us no information as to it, except that Dr. Latham was to preside at it.

p. 153. Mr Brooks's works have been republished lately by Nichol.

p. 163. The moderation and charity which Matthew Henry noticed in the Dissenters may be taken to have been exercised in regard to the Establishment, in accordance with a tract of his, which is next quoted in the Proofs, as if by an unknown author. Matthew Henry forfeited all pretensions to "liberality" by his sermon at Mr Samuel Clarke's ordination, in which he associated "those that deny the Trinity, the Godhead of Christ, and his satisfaction," with "those that question the being of a God." The two books which best display the spirit and opinions of the English Presbyterians, are Matthew Henry's life of his father Philip Henry, and Mr Tong's life of Matthew Henry; but neither of them is referred to in the Proofs; instead of this in the volume of the debates, p. 144, it is mentioned that 110 descendants of Philip Henry had signed petitions in favour of the bill. The fact and knowledge of their descent from this old confessor was rendered certain by a list of his posterity printed by a lady, one of their number. It would have been more to the point to have referred to the 5th number of the Appendix to Sir J. B. Williams's edition of his life, which contains the skeleton of a most able argument in support of the "Saviour's Deity," by the old confessor, who died in 1696.

p. 166, l. 22. Jeremiah Burroughs was an Independent.

pp. 168 and 169. Mr Bury's and Mr Bennet's opinions may be learnt from the quotations from their works in the Appendix No. 1.

p. 187, l. 4. By the non-use of articles of faith, the Independents have preserved the ideas, instead of the phrases, of their faith; each generation expresses those ideas according to its own habits of thought and speech, thus escaping expressions which, having no longer their original meaning, mislead the honest and afford the disingenuous the means of deceiving. No communion really trusts creeds, either as safeguards or as tests; for the true interpretation of them is sedulously inculcated in comments and glosses; and a candidate's opinions are not ascertained by subscription, but by searching questions. Yet, where there is a written standard, the words of it, with all their ambiguities and inconsistencies, which may have been intended by the framers, are the sole authority, and there can be no authoritative construction of them, or that would in its turn, with all its defects, become the standard. Thus words, not ideas, form the terms of union in other Protestant communities, and are the authority in the Greek and Latin churches. It seems peculiarly unfair to require subscription to a written form, and also an explanation of it in other words. Independents trust to the living ideas in the minds which have to decide on soundness or unsoundness of doctrine, and the appeal is to the Bible only. Catechisms or other human compositions may be referred to, not as conclusive, but only arguments in verecundiam; they have influence without authority. This habit of immediate appeal to the Bible, as interpreted by right reason, without rejection of any help to the interpretation of it, and without any check to free enquiry into its real meaning, tends to keep the articles of faith few and simple, and to bring men continually back to first principles. Besides, a man compelled to state his belief in his own words soon tests the clearness of his own notions, and learns to judge of another person's statements. But perhaps only the Congregational polity can dispense with a written standard, just as we are now told that a sect only, and not a church, can have definite doctrines.

p. 185, l. 11 from end. Dr. Daniel Williams, in 1712, uses these expressions: "Tis imposition of unscriptural forms of words in matters of faith that has constantly disturbed the church ever since the three first and purest ages of Christianity. The method taken among us is certainly much more for the interest of the Church of Christ than to cramp men with any particular form by whomsoever invented." These are extracts from the preface to the services at Mr (afterwards Dr.) Samuel Clarke's ordination at St. Alban's, which has been always accepted as a true expression of Presbyterian notions. The Doctor is not writing on the use of creeds, but in praise of the Presbyterian method of ordination, being precisely that prescribed by the Westminster Assembly, which can be accused of anything rather than indifference to standards of faith. He states that the ordination takes place "if

the confession be esteemed orthodox," but does not mention the standard of orthodoxy, except that he refers to the agreement of a confession with the doctrines of the Church of England and other reformed churches, that is, with their standards.

p. 187, last line. See a series of letters in the Cong. Mag. for 1837.

p. 197. The chapel at Kendal is as yet kept open by its large endowment. The fifteen northern ministers whose names appear in the distribution list for 1728 are: Thomas Somervaille, Berwick; John Horsley, Morpeth; Michael Hope, Huddlescough; Robert Brown,\* William Wood, Darlington; Joseph Jacques,\* John Crosier or Bosier, Little Hazle; James Bell, Coquet Water; David Seaton, Ayton in Cleveland; Thomas Laich, Framlington; Daniel Atkin, Penruddock; Thomas Willis, Brunton; John Chisholme, Birdhope Craig; John Deans, North Tyne; Jonathan Hazle, Alnwick.

The opinions of the other Judges having been given at such length, Lord Eldon's judgment must be given more at length:

p. 216, l. 7. "But there is another view in which the case should be considered, and it is this, that where an institution exists for the purpose of religious worship, and it cannot be discovered from the deed declaring the trust what form or species of religious worship was intended, the court can find no other means of deciding the question, than through the medium of an inquiry into what has been the usage of the congregation in respect to it; and, if the usage turns out upon inquiry to be such as can be supported, I take it to be the duty of the court to administer the trust in such a manner as best to establish the usage, considering it as a matter of implied contract between the members of that congregation. But if, on the other hand, it turns out, (and I think that this point was settled in a case which lately came before the House of Lords by way of appeal out of Scotland), that the institution was established for the express purpose of such form of religious worship, or the teaching of such particular doctrines as the founder has thought most conformable to the principles of the Christian religion, I do not apprehend that it is in the power of individuals, having the management of that institution, at any time to alter the purpose for which it was founded, or to say to the remaining members, 'We have changed our opinions, and you, who assemble in this place for the purpose of hearing the doctrines, and joining in the worship, prescribed by the founder, shall no longer enjoy the benefit he intended for you unless you conform to the alteration which has taken place in our opinions.' In such a case, therefore, I apprehend, considering it as settled by the authority of that I have already referred to, that where a congregation become dissentient among themselves, the nature of the original institution must alone be looked

\* No place is mentioned in connection with these names.

to, as the guide for the decision of the court, and that to refer to any other criterion, as to the sense of the existing majority, would be to make a new institution, which is altogether beyond the reach, and inconsistent with the duties and character of this court.

“In this view of the case, it is of the first importance to see what the record before the court says upon the subject of the original institution. Without entering into what may be the effect of the late statute repealing several then existing laws on the subject; (a question which it is not for me, sitting in a court of equity, to determine, and which would certainly be much better decided by the judges of the courts of common law), without even so much as looking to the point, whether it be, or be not legal, at this day, to impugn the doctrine of the Trinity, (although that is a point upon which indeed I have an opinion, only I do not find myself called upon now to declare it), what I have now to enquire is, whether the deed creating the trust does, or does not, upon the face of it, (regard being had to that which the Toleration Act at the time of its execution permitted, or forbade, with respect to doctrine), bear a decided manifestation that the doctrines intended by that deed to be inculcated in this chapel were Trinitarian? Because, if that were originally the case, and if any number of the trustees are now seeking to fasten on this institution the promulgation of doctrines contrary to those which, it is thus manifest, were intended by the founders, I apprehend that they are seeking to do that which they have no power to do, and which neither they, nor all the other members of the congregation, can call upon a single remaining trustee to effectuate. In this view of the case, also supposing even that at the time of the establishment of this institution, it had been legal to impugn the doctrine of the Trinity, yet if the institution had been established for Trinitarian purposes, it could not now be converted to uses which are Anti-Trinitarian. For (meaning however, to speak with all due reverence on such a subject) to allow such a conversion, would be to allow a trust for the benefit of A. to be diverted to the benefit of B. And the question then resolves itself into this, whether such a conversion, in the case of a trust, can possibly be supported. If therefore this appears, on the face of the deeds, to be the nature of the present case, as I am inclined to believe it does, it disposes of the question; affording a short and direct reason for not refusing the interference of the court.

“It becomes here necessary (not for the purpose of expressing an opinion on some of the doctrinal points argued at the bar, but in order to see what may be collected by way of fair inference, as to the meaning of the original founders), after observing that the first trust-deed is dated in 1701, to state that, in the year 1689 (1 Will. and Mary) was passed the act commonly called the Toleration Act, which exempted certain



persons, coming under the description of Protestant Dissenters, from the penalties of certain laws therein mentioned ; and, as I again observe, the object seems to have been merely as stated in the title of the act, viz., ‘to exempt His Majesty’s Protestant subjects dissenting from the Church of England from the penalties’ of the laws therein mentioned ; not appearing, therefore, either upon the terms or substance of it, to have done, or to have intended to do, any more—leaving the Common Law exactly as it was with respect to all common-law offences against religion or religious establishments. And in that act there is an express provision, s. 17.”

“It is to be observed that the opinions, the publication of which in any of the modes specified it is the intention of this act (the Blasphemy Act) to prevent, are not thereby expressed to be opinions contrary to those of the Church of England, but contrary to the Christian religion. And the act proceeds to point out more precisely what is the nature of those opinions which it thus declares to be contrary to the Christian religion, viz., the denial of any one of the Persons in the Holy Trinity to be God, &c. It is further to be observed, that the information which was to lead to conviction, where the consequences were so extremely penal, is by the statute required, (in the case, at least, of words spoken,) to be within three months of the time of the words being spoken, and that an opportunity is also given to the offender publicly to renounce his error in the same court where he had been convicted, and thereupon to be discharged from all penalties incurred by such conviction. There can be no doubt, (at least so I apprehend,) that, prior to this statute, blasphemy was an offence punishable at Common Law ; and it is impossible to contend, (as it appears to me,) that (whether the preamble is, or is not, to be taken as a ground of ascertaining that the doctrine reprobated in the enacting parts amounts to blasphemy—on which it does not become me to give an opinion) the penalties inflicted by the statute give any foundation for supposing that there could no longer exist a punishment for blasphemy at Common Law, independent of the statute. On the contrary, the Common Law is left by the statute exactly as it was before the statute passed.

“The late act, which repealed this statute of William, also repeals certain acts against blasphemy in Scotland, which are therein particularised. [His lordship then read them.] These statutes remained in force till the 53rd year of his present Majesty, and then the act passed, which repealed the excepting clause of the Toleration Act, which repealed the statute of the 9th and 10th of William, (so far as relates to the denying the doctrine of the Trinity,) and which repealed the Scottish statutes ; and I should observe that there did not (upon the occasion of passing the act in question) seem to be any difference of opinion among the members of

either house of parliament, but that they all agreed, (without entering into the consideration of the question, as to whether it were or were not an offence against the Common Law, or whether the common-law punishment, if any existed, had been taken away by the statutes which it was intended to repeal,) that the penalties, upon that which was considered as blasphemy by the 9th and 10th of William and by the Scottish statute, enacted by those statutes, were penalties which it was very difficult to say were proper to be inflicted. The act of the 53rd of the King therefore did what I have stated; but I apprehend that it did not alter the Common Law exactly where it was; and, conceiving the object of this information to be as I have already represented it to be; and remembering that, (whatever may have been stated at the bar, with respect to the question of what is, or what is not, criminal in the conduct of the parties,) I (sitting here) can only administer the civil rights of the parties, this court having no office to determine what is or is not an offence or crime, except where the question arises, as of necessity, by its being called upon to administer trusts, or regulate civil rights, which are involved in its decision; I will therefore confine myself entirely to the consideration of the civil question, namely, what, in respect to doctrine, was the intent of the founder of this charity.

"It must be recollected that, by the Toleration Act, the benefit of that act was declared not to extend to persons impugning the doctrine of the Trinity. That act passed in 1689: and in 1701 (shortly after the opinions in question had been thus expressly declared by the legislature not to be proper subjects for the toleration which the legislature had been granting to every other class of Dissenters) the first of those deeds upon which the questions in the present cause arise, was executed.

"[His lordship then read the deed of the 30th of October, 1701, from the answer, observing the allegation in the answer that the feoffment was followed by livery of seisin, a circumstance which, his lordship said, he did not see alleged, or that it could be made out, as to some of the subsequent feoffments; and upon the purpose for which the meeting-house was declared to be erected, viz., 'for the worship and service of God,' his lordship remarked that the terms were very general.]

"Several passages of this indenture have been particularly taken notice of in the course of the discussion at the bar. There is quite sufficient of allegation in the information to show that it was a body of Protestant Dissenters who established this meeting-house, in order to have preached in it the religious doctrines to which they were attached: and more especially, if it cannot be said for the express purpose of inculcating the doctrines of the Trinity, yet that they were Dissenters entertaining such a class of opinions, as that the doctrine of Unitarianism would be directly at variance with their purpose in founding this

meeting-house. I observe upon this particularly ; because I take it that, if land or money were given (in such a way as would be legal notwithstanding the statutes concerning dispositions to charitable uses) for the purpose of building a church or a house, or otherwise for the maintaining and propagating the worship of God, and if there were nothing more precise in the case, this court would execute such a trust by making it a provision for maintaining and propagating the established religion of the country. It is also clearly settled that if a fund, real or personal, be given in such a way that the purpose be clearly expressed to be that of maintaining a society of Protestant Dissenters, (promoting no doctrines contrary to law, although such as may be at variance with the doctrines of the established religion), it is then the duty of this court to carry such a trust as that into execution, and to administer it according to the intent of the founders. In this case it is impossible to doubt that the trust was originally created for the purpose of maintaining a Protestant Dissenting institution ; and it would be doing violence to the intention of the parties to these deeds to say that the worship and service of God being the object expressed by them, the trust must be administered in such a way as to maintain the religion of the established church. Nevertheless I take it from the experience of many years in this court, that if any body of persons mean to create a trust of land or money, in such a manner as to render the gift effectual, and to call upon this court to administer it according to the intent of the foundation, whether that trust has religion for its object or not, it is incumbent on them, in the instrument by which they endeavour to create that trust, to let the court know enough of the nature of the trust to enable the court to execute it ; and therefore where a body of Protestant Dissenters have established a trust without any precise definition of the object or mode of worship, I know no means the court has of ascertaining it except by looking to what has passed, and thereby collecting what may, by fair inference, be presumed to have been the intention of the founders. From this deed I can collect that the founders were Protestant Dissenters, and thence presume that their object was the maintenance of Protestant dissenting worship ; but I have nothing to inform me what species of doctrine this institution was intended to maintain, except as I may be able to infer from some of the clauses of the deed, and particularly from that clause which alludes to the possibility of the future prohibition by law of the worship thereby intended to be established, and also from that which relates to the binding effect of orders to be made by a majority of the Trustees, upon matters relating to the meeting-house *only* ; from which it should appear both that the founder meant to establish an institution which was not then contrary to law, and that they did not mean to invest in the Trustees, or the major

part of them, any right to vary the system or plan of doctrinal teaching which was to be maintained in this meeting-house according to their own discretion.

"When I look to the date of the deed of 1701, and to the dates of the Toleration Act, and of the act of the 9th and 10th of King William, and also to the deed executed in 1742, which contains the same clause with the former, it is impossible to say that while the founders contemplated the eventual abrogation of the existing system of Toleration, they were in fact intending to create by that very deed a system which was at that time illegal, and which only three years before, was excepted out of the Toleration Act, as a system unfit to be included in the Toleration which was extended by it to all other modes of Protestant dissent; the legislature at that time intending to embrace all the doctrines that could be safely included in that Toleration. This clause therefore seems to afford extremely strong countenance to the allegation, that the institution was not intended to be for the maintenance of those opinions which impugn the doctrine of the Trinity. And with respect to the clause which invests the Trustees, or the major part of them, with the power of making orders from time to time upon matters relating to the meeting-house, I think it would be doing violence to all the principles of construction upon which we act, to understand it as meaning that those Trustees, or the major part of them, should have power to convert that meeting-house, whenever they thought proper, into a meeting-house of a different description, and for teaching different doctrines from those of the persons who founded it, and by whom it was to be attended. I say that appears to me to be as inconsistent with the probable meaning of the original founders, as it would be to hold that they meant it should be converted, at the discretion of the Trustees, into a place of worship according to the form and doctrines of the Church of England.

"I repeat that I have nothing to do here in the way of pronouncing any opinion as to any religious doctrine whatever. This case must be discussed exactly as if it were the case of a charity properly created, having no relation whatever to any religious purpose, but a case in which one party contends that the trust was originally for purposes of a particular description, (and has a right so to contend), against another party who insists that it was originally for other purposes. And the court is bound to determine this question, if it arises. It would not perhaps be difficult to decide where the legal estate is; but after that has been disposed of, there still remains the other question, viz., for what purpose that legal estate was vested in the persons in whom it now resides? For the court will not permit that purpose to be altered, unless it be obvious from the original nature of the institution, that it was meant to be capable of such alteration.

“ Now where a clergyman is presented to a living in the Church of England, we know the duties committed to him, and the grounds upon which he is bound to execute those duties ; but as the justice of this country has, for the ease of men’s consciences, permitted them to secede from the established church, and to form religious institutions for themselves to a certain extent, it has become the duty of this court and others of a like nature, to enforce the execution of trusts for such institutions, and to give the parties who are Trustees that relief which the legislature meant they should have. It is necessary therefore to look to the instruments, to know what are the trusts which the court is called upon to enforce the execution of ; and if the parties themselves do not give the information which is requisite, it is in vain to look for a prompt decision with reference to the point in controversy ; because, till inquiry has been made as to the nature of the trusts, a judge must remain in ignorance of the duty he has to perform. Where then a charitable institution of this kind is founded, or say it were for a civil purpose, that we may the more temperately discuss the subject, I apprehend then, that where a man gives his money to such an institution for a civil purpose, one of the duties of this court is to take care that those who have the management of it shall apply it to no other purpose so long as it is capable of being applied according to the original intention. And if, upon enquiry, it shall be found that in this case the land was originally given, and the money originally subscribed, for the purpose of forming an institution such as the Attorney-General in his information has alleged that this institution should be, then those who object to any change in the institution from its original purposes are not guilty of departing from the institution, but are only doing their duty in endeavouring to prevent such a departure from the purposes of the institution in others ; and, if the allegation is, that there has been such an alteration of sentiments on the part of the congregation, they certainly do throw great difficulties in the way of the courts carrying the trusts into execution in any manner whatever.

“ I must here again advert to the principle which was, I think, settled in the case to which I referred the other day as having come before the House of Lords on an appeal from Scotland, viz., that if any persons seeking the benefit of a trust for charitable purposes should incline to the adoption of a different system from that which was intended by the original donors and founders ; and if others of those who are interested think proper to adhere to the original system, the leaning of the court must be to support those adhering to the original system, and not to sacrifice the original system to any change of sentiment in the persons seeking alteration, however commendable that proposed alteration may be. Upon these grounds, I have nothing at all to do with the merits of

the original system, as it is the right of those who founded this meeting-house, and who gave their money and land for its establishment, to have the trusts continued as was at first intended. It is necessary, therefore, to make inquiries as to what was the nature of that original system; and in the mean time, it is perfectly absurd that any ejectment should be going on.

"For these reasons, I shall now grant an injunction, not till the hearing of the cause, but till the further order of this court; the parties undertaking to account for the intermediate rents and profits, (except so far as is necessary to maintain the minister), and to obey such order as the court shall make. If the parties will submit to give that undertaking, I don't know how to go more promptly to a decision than by allowing the matter of inquiry to go to the Master immediately. I wish there were any shorter mode of deciding it; and, if by *Mandamus*, or by any other proceeding you can propose, such a decision can be accomplished, I shall have no objection."

p. 235. It appears from Mr David's volume on *Essex*, that *Adrian Mott* of *Weathersfield* was, in 1648, appointed an elder of that place. *Ady*, the name of *Lady Hewley's* *soi-disant* heir-at-law, may have been originally the nursery contraction of *Adrian*. The *Presbyterian* descent of the family gives additional infamy to their attempt mentioned in the text.

p. 252. The description of the defendants was copied from an account of the hearing of the appeal in the Lords, published by them or their friends, and by inadvertence the word *Presbyterian* was not altered.

p. 304, l. 15 from bottom. When Lord *Lyndhurst* and the Judges' assessors were about to pronounce their opinions and decision, it was suggested by Mr *Booth*, the defendants' counsel, that the *Attorney-General's* consent to the irregularity should have been given in writing; but his lordship held that the consent of the relators counsel was sufficient. It was no doubt hoped that the objection would disgust his lordship with the matter, and that the case would go on to the Lords, and would be there heard by Lord *Cottenham* as Chancellor. *Cong. Mag.* for 1836, p. 211.

p. 321, l. 18 from bottom. The defendants pressed for their costs of the appeal, but Lord *Lyndhurst* would not give them. He also refused to make an express order that the defendants' costs occasioned by their insufficient answers should be allowed. Their counsel seem to have acted throughout as if the common rules of the court were not to be put in force against them. Lord *Lyndhurst*, on this occasion, said, "I have been called to the decision of this question much against my will." These words throw light upon the part his lordship took as a legislator. *Cong. Mag.* 1836, p. 224.

p. 324, l. 14. The solicitor to the trustees opposed the application to the Chancellor to have the Judges summoned to attend the hearing. Cong. Mag. 1837, p. 474. The statements respecting the cause in this Magazine may be taken to have been communicated by Mr Blower, who was a member of the congregation of which Mr Blackburn the editor was minister.

p. 347, l. 7 from bottom. See p. 220 as to Lord Eldon's reading all the deeds relating to the Wolverhampton chapel.

p. 360, l. 19. Emlyn seems to have been convicted at common law, but no doubt the Judges were not unwilling in such a matter to overlook Irish cases.

p. 389, l. 4 from bottom. The following extract from the Orthodox Presbyterian Magazine for June, 1830, reprinted from the Cong. Mag. for 1831, will show the extent of the Remonstrant Secession :

"Upon Tuesday 25th May, seventeen Ministers, who have separated from the General Synod of Ulster, assembled, with sixteen Elders, in the Meeting-House of the First Arian Congregation, Belfast. They have denominated themselves, 'The Remonstrant Synod of Ulster,' though not so numerous as some of our Presbyteries, and though embracing within the sphere of their ministry a population, we opine, which at the most liberal estimate would not outnumber two of our large Orthodox congregations. Still the loss of seventeen ministers and congregations appears to effect a formidable breach in the walls of our Presbyterian Zion. But upon examination, we find the loss is more in name than in reality. The ministers indeed are gone ; but generally speaking, a large portion of the congregations remain with the Synod of Ulster. As this is a matter of some statistical importance we shall, so far as we are able, give a statement of the relative numbers of the Arian and Orthodox parties. We begin at the head of their list. *Narrowwater* was originally a small congregation, and we believe the majority adhere to the Synod of Ulster ; and will no doubt receive their countenance and protection. *Newry* has, some time ago, been divided into an Arian and Orthodox congregation : the latter, a flourishing settlement, with an active minister, remains with the Synod of Ulster. *Kilmore* is a considerable congregation, totally gone over to the Arians. *Banbridge*, a large congregation, has been separated into Arian and Orthodox. A promising young minister has just been ordained, who, together with an increasing and respectable congregation, adheres to the Synod. *Carlingford* is totally turned Arian ; but, we believe, were a sheriff to make a return to a writ of enquiry, he might almost, with truth, declare of it—*non est inventus*. It is a *nominal* congregation, that could not furnish even an elder to their Synod. *Dromore* is a respectable congregation, totally withdrawn from the Synod. In that town, however, the

Synod retains an old and flourishing congregation. *Grey-Abbey* congregation has likewise been divided into Arian and orthodox. The latter has just obtained a site to build a house for worship. The people have subscribed most liberally; they have obtained the countenance and assistance of individuals of influence; and the orthodox congregation promises to go forward prosperously. We cannot speak of the relative numbers with any approach to confidence; but we are inclined to believe the divisions are nearly equal. *Moirs*—This is a small congregation, totally gone over to the Arians: the orthodox members having, from time to time, joined the Seceders. *Dunmurry*, a respectable congregation, though not numerous, has, with a few exceptions, gone over to the Arians. *Moneyree*—This congregation, including a respectable yeomanry, considerable also for its numbers, has entirely gone off to the Remonstrants: the orthodox members having, from time to time, withdrawn to the Seceders, or to the neighbouring congregations of the Synod of Ulster. *Ballee*, once a large, now a small congregation, contains several members in respectable circumstances. It has totally withdrawn from the Synod; the few orthodox members have joined themselves to a neighbouring congregation. *Cairncastle*—This congregation has divided. The decided majority adhere to the Synod of Ulster. *Templepatrick*.—This was one of the original Presbyterian settlements of Ulster. Here preached Josiah Welsh, the grandson of John Knox. Here was the scene of one of the blessed revivals of religion experienced in the early days of the Presbyterian Church in Ireland. A large portion of the congregation still adheres to the Synod of Ulster, and to the orthodox sentiments of their fathers. They have experienced the liberal aid of Lord Templetown towards the support of a minister; and we may still hope and trust, that the seed sown by the hand of Welsh, will grow up abundantly. *Crumlin*.—This congregation having given over its orthodox members to the new and prosperous congregation of Dundrod, the small remnant of Arians have entirely gone over to the Remonstrants. *Glenarm*.—This was originally a small congregation. In spite of difficulties, and in the face of much opposition, one half, at least, of the congregation, have adhered to the Synod of Ulster; the other part have joined the Remonstrants. *Ballycarry*.—This was, perhaps, the earliest Presbyterian settlement in Ireland. We believe a great majority of the people have firmly adhered to the Synod of Ulster. *Newtonlimavady*.—This congregation has been wasted to a shadow; that shadow has totally gone off from the Synod of Ulster."

The strength of this Secession is important from the influence which Dr. Montgomery of Dunmurry exercised over Sir Robert Peel. This it is quite clear from the latter's speeches was not produced by appeals to his reason; and the Synod of Ulster party must have had warrant



for their belief that Sir Robert was alarmed by assurances of danger from the numbers who would be rendered discontented, if the chapels of the Presbytery of Antrim and of the Remonstrant Synod were restored to the faith of their founders. The Doctor's interest with his own political friends, (who were in office at his death in 1865), survived him, as his widow and daughter received a grant of pensions. Every person who had the pleasure of acquaintance with him, however slight, could not be otherwise than pleased that his wishes in this respect were fulfilled, but the facts in both cases are proofs of his influence with government, by some method or other, whatever party was in power.

p. 394, l. 4. Extracts from the answer will be found at p. 743.

p. 425, l. 20. The examinations of Dr. Cooke and Dr. Reid, (see p. 407), have not been obtained, but no doubt they supported the chief Baron's assertion, still their opinions, if merely their own conclusions from authorities not mentioned, cannot be set against the Act of Synod p. 377; see also Dr. Reid's opinion p. 380.

p. 430, l. 3 from bottom. Extracts from the answer are printed at p. 746.

p. 480, l. 8. The case as to this Widow's Fund is set out in Mrs. Armstrong's petition, p. 763.

p. 497. When the Chancellor laid his bill on the table he stated that "he should make some explanatory remarks on the second reading." Lord Brougham immediately inquired whether he would extend the measure to Ireland, as if so, he (Lord Brougham) would not present a petition with which he had been entrusted. The Chancellor answered that "he intended, on the second reading, to state the particular operation of the bill, and the circumstances which had led to its introduction, and to propose that it should be referred to a committee, and the better way would be for Lord Brougham to present the petition, and it might be referred to the same committee."

Such a bill should have been explained when introduced, but it could not have been brought forward more stealthily; and it seems from the Chancellor's speech, p. 502, that on his silence some other law lord thought it necessary to state the principles on which it was founded. Lord Lyndhurst's original plan to refer the bill to a select committee confirms the remarks at p. 558, but in five days' time he gave it up, although he could not have any other reason for doing so, than the conviction that the Synod of Ulster would defeat the scheme, if the subject underwent the investigation which that method of proceeding would have secured.

p. 534, l. 23. The merciful Fenelon was a determined persecutor of the Protestants and Jansenists of France, but being a Jesuit by nature, (he was of the party in his church called from St. Sulpice's,) he passes

current as the very model of goodness. Thus he had his share in the dragonnades and the Bull Unigenitus, without any prejudice as to his reputation, so false for a time may the judgment of the world be. For a contrary instance, the name of Servetus is always coupled with that of Calvin. It is not known, or not noticed, that the Reformer warned the fugitive Spaniard what the law of Geneva was, and that the sentence was approved by all contemporaries, Protestant as well as Romanist, even by the mild Melancthon. The Genevese reformer and law giver is in fact selected to bear alone the reproach which all men of his time incurred by their acts or their writings. Cramner burnt several, even women, merely for denying the real presence, and yet has retained a character for gentleness and mercy. Geneva, under her great citizen's influence, was endeavouring to attain in religion and morals to a conformity with the principles indicated in the Bible, to be in effect a theocracy; and it is no wonder that it did not make itself an exception to all Christian States in the sixteenth century, by tolerating the denial of the Saviour's deity. It is the highest possible testimony to Calvin that he alone of historical characters, is in this respect judged, not with reference to the opinions of his time, but according to what his critic for the time being thinks the highest standard of ethics and religion. To do this hard measure to him is however to admit that his intellect and spirit were too grand and elevated for his errors to be palliated like those of other men.

Any reflection upon the Genevese reformer on account of his treatment of Servetus would in the mouth of a Romanist be the quintessence of hypocrisy, only that no one of his persuasion, (the expression is peculiarly applicable in this case), forms or voluntarily adopts any opinions of religion, for his church burnt more than sixteen hundred human beings for heresy in Spain, even during the eighteenth century. As to Bossuet, the less an Ultramontane says about him the better.

It is singular that this Romanist alone, of all those who spoke in parliament in support of the bill, betrayed a hatred of Evangelical opinions. Although as we have seen, the defendants in the *A.G. v. Shore*, and their advocates and pamphleteers, all represented themselves as combating Calvinism, yet all other speakers in the debates avoided the avowal; but at the thought of Calvin a papist always loses his self-command.

p. 537, l. 18 from bottom. Mr Byng did not settle in Tamworth till 1768.

p. 576, l. 16. The Synod of Munster consisted of congregations at Dublin (two), Limerick, Waterford, Clonmel, Bandon, Fethard, Summerhill, and Cork.

p. 576, note †. The chapels at Ballast Hills and Bedford should not have been included in this enumeration.

p. 579, l. 3. A pamphlet was published in Belfast, in 1844, entitled "Dissenters' Chapel Bill : their Arguments in defence of the recent attacks on the congregational property of Unitarians considered," by C. Porter, minister of the first Presbyterian Congregation of Larnie.

p. 580, l. 18. The controversy between Independents and Scotch Presbyterians was carried on in the Cong. Mag. for 1834, 1842-3.

p. 596, l. 11 from bottom. Dr. Calamy's account of his journey, so far as it relates to religion or ecclesiastical matters, is given in No. 8 of the Appendix, p. 724.

p. 609, l. 10 from bottom. Additional charges of heresy were brought against the Independents. The following is an extract from the affidavit of the Rev. Robert Kirk and the Rev. Peter Morrison, ministers respectively of the Great Market and High Bridge chapels, Newcastle-upon-Tyne, the Rev. Charles Thompson of Tynemouth, and the Rev. Robert Gillan of South Shields, all Kirkmen: "From the acquaintance which the deponents have had with the writings of the English Presbyterians and Congregationalists of Lady Hewley's day they firmly believe that the said parties held the plenary, full and complete inspiration of all the Scriptures, both of the Old and New Testaments, but that there is reason to believe that multitudes of the modern Congregationalists hold very different views upon this most important subject; in evidence of which they submit the Eclectic Review, a periodical much read amongst the Congregationalists. The numbers for September 1825, and April 1826, throw doubts upon the inspiration of the hagiographa, amounting to 149 chapters of the Old Testament. And the Rev. Dr. Pye Smith, theological tutor at the Congregational Academy at Homerton, in his work on the Messiah, has avowed his doubts respecting the inspiration of the Song of Solomon, and does not consider the book of Esther canonical; and he argues in the same work against the verbal inspiration of the Scriptures in general, whilst he admits it in some particular places, and quotes with much approbation the following statements of Dr. Parry, theological tutor at the Congregational Academy at Wymondley: 'If the inspiration and guidance of the Spirit respecting the writers of the New Testament extended only to what appears to be its proper province, matters of a religious and moral nature, then there is no necessity to ask whether everything contained in their writings were suggested immediately by the Spirit or not, whether Luke was inspired to say that the ship in which he sailed with Paul was wrecked on the island of Melita (Acts 28), or whether Paul was under the guidance of the Spirit in directing Timothy to bring with him the cloak which he left at Troas, 'and the books, but especially the parchments' (2 Tim. 4): for the answer is obvious: these were not things of a religious nature, and no inspira-

tion was necessary concerning them. The inspired writers sometimes mention common occurrences or things in an accidental manner, as any other plain and faithful man might do, although such things may be found in parts of the evangelical history, or the apostles' addresses to churches or individuals, and may stand connected with important declarations concerning Christian doctrine or duty. Yet it is not necessary to suppose that they were under any supernatural influences in mentioning such common or civil affairs, though they were as to all the sentiments they inculcated respecting religion. This view of the subject will also readily enable a plain Christian in reading his New Testament to distinguish what he is to consider as inspired truth.' Vol. 1, p. 65." Dr. Hunter, Mr Thompson, and Mr Miller did not make the statement at p. 609 in an affidavit, but in a State of facts. Another allegation of theirs is: "The charge of unsoundness in the faith against the Independents, is further confirmed by Robert Haldane Esq. of Edinburgh, who accuses the Rev. Moses Stuart, an Independent professor at Andover, U.S., of denying the orthodox doctrine of the imputation of the guilt of Adam's first sin to his posterity, in a work on the Epistle to the Romans, which has been recently (1836) introduced to the notice of the English Independents in highly commendatory prefaces by Dr. J. Pye Smith, Theological Tutor at Homerton, and Dr. Ebenezer Henderson, Theological Tutor in Mr Thomas Wilson's (sic) College at Highbury." [These quotations are favourable specimens of the Scotch affidavits.]

p. 626, l. 5. There is no mention of elders in the Cheshire minute, p. 802, or in the descriptions of the English Presbyterians to be found in pp. 701 and 803.

p. 663. The harmony with which the trustees have distributed the fund, and the care taken by them to give assistance to none but those who both need and deserve it, each trustee undertaking to ascertain all particulars necessary for proper decisions in any cases in his own denomination which seem to need enquiry, has entirely falsified all the predictions of the heterodox party and their supporters, and afforded "the three denominations" an opportunity of manifesting their brotherhood. The Independents may have a less share than they had, but they have it without the necessity of a recommendation from a Socinian minister, which was the general method in the former time.

p. 696, l. 5. On the other hand some few chapels are here entered in the Independents' list, because their minister in Dr. Evans's time was an Independent, as Chaplain and Rotherham.

p. 696, l. 9. In addition to the histories of nonconformity in counties, cities and towns, accounts of chapels are to be found in Nichol's Leicestershire, and as to a few of the London chapels in the Middlesex

volumes of the "Beauties of England and Wales." The early volumes of the Cong. Mag. contain short accounts, prepared by Dr. Redford, of the congregations in Devon, and the English counties standing before it alphabetically, and there will be found in the same magazine accounts of the following churches: 1830 York, 1831 Andover, Darwen, Ellen-thorpe, Potterspury, 1833 Wimborne, Potterspury, 1834 Llanbrynmair and Stamford, 1835 Nottingham, Plymouth, Beaminster, 1836 Arundel and Bishop's Hull, 1838 Stoke Newington and Ramsgate, 1842 Sutton-in-Ashfield, Hereford and Beaminster, and in a volume the reference to which is mislaid, White Row. In the Evangelical Mag. for 1866, there is an account of the chapel at Horningsham, Wilts, which seems the oldest foundation among all chapels now existing. Dr. Raffles made collections as to Lancashire, and Mr Scales as to Yorkshire, as they stated in their examinations in A.G. v. Wilson. It is to be hoped these will not be lost or disposed of, but be deposited in the Congregational Library.

Much additional information is to be gained from Mr Walter Wilson's MSS. in Dr. Daniel Williams's Library.

It will be found upon examination that every Independent chapel founded about the middle of the eighteenth century owes its origin to the secession of Trinitarians from the old Presbyterian congregations, which had become, or were becoming, Arian. The few cases specified are taken from local histories. Independent congregations arising from associations of the converts of the first Methodists were of a later date.

p. 696, l. 15. Mr Palmer of Hackney, gave an account of this MS. in the 5th volume of the Protestant Dissenters' Magazine, p. 468; and in the 6th volume will be found that part of it which gives an account of the chapels and ministers, with some additions. It also contains remarks on the Salters' Hall meeting, part of which has been quoted, p. 709. Mr Neal is blamed for not taking part in the business, but Mr Bradbury is remarked to have lost his influence from his want of prudence in the controversy. Of Mr Hunt it is further said: "The doctor is what we call a rational preacher, and labours in all his discourses to conceal his sentiments and talk in the dark. It is one of the most surprising instances that can be met with how a number of Christians, and many of them of long experience, should, from a warm Calvinistical pastor, fix on a person who to all but themselves appears to be but little acquainted with the most important truths of the Gospel.\* However the doctor is a quiet, peaceable man, and does not give his neighbours any disturbance. Although he is accounted very learned, it does not appear from his public discourses." Since the question as to Mr Hunt is of some importance, the reader will note the following lines from a character in rhyme of some of the Dissenting ministers in London of the period, and an answer to it also in rhyme, which give the same idea.

The praise is :

With soundest judgment and with nicest skill,  
The learned Hunt explains his Master's will ;  
So just his reasoning, and his sense so true,  
He only pleases the discerning few.

The disparagement in answer is :

Not so the busy Hunt, with little skill,  
Takes mighty pains to extol his own free will ;  
So dull his meaning and his action too,  
He really pleases but a very few.

It will be noticed that the parody retains the rhymes of the lines on which it is founded, which was a great disadvantage. In the original Wright, Bradbury, Guyse, and Bragg, are lampooned, and Watta, Hunt, Chandler, and Foster, magnified. In the parody Wright and Watta, who are contrasted in the original lines, are omitted together : and the praise and dispraise are counterchanged throughout ; but while Dr. Chandler appears in the answer as an Arian, and Dr. Foster as a Socinian, Dr. Hunt is merely a free willer. The lines were communicated by J. T., i.e., Dr. Joshua Toulmin.

p. 701, l. 12. The distinct statement here made that only the male members voted in the church deserves remark. This is contrary to the general practice at the present day, though some churches follow this rule, among others that of Carrs Lane, Birmingham. It is believed persons of other denominations consider this as the most indefensible and injurious point in the whole system. The right to vote should go with the right of speaking in a church meeting, as the right to influence fellow voters seems as natural and equitable as the franchise, but no one will say a word for this.

p. 704, last line. The author of this account uses the word church, in connection with the Presbyterians, as if it had the same meaning among them as among Independents. The same phraseology occurs in the Cheshire minute, p. 802. See also p. 667. This method of speaking seems to indicate that although admission to the communion was a matter of course, and there was little or no discipline with regard to persons so admitted ; yet they were regarded as forming a body in a peculiar relationship to each other, and exercising formally a control over admission into their number, though the approbation of candidates might be a matter of course. So far as this was the case, all difference in theory between the denominations was done away with, except that the church was a reality among Independents, but a name only among the Presbyterians. This is entirely in harmony with the account reprinted at p. 803.

In the 3rd volume of the Protestant Dissenters' Magazine, there is given a list of the London chapels in 1796, a year which is about half way between the date of Dr. Evans's list and the present day, and that

shews the following state of things to have been the result of the changes during that period of seventy years, as it may be considered.

**ENGLISH PRESBYTERIANS :** Prince's Street Westminster, Salters' Hall Cannon Street, Carter Lane, Leather Lane, Hanover Street Long Acre, Essex Street Strand, Monkwell Street, St. Thomas's Borough, Alie Street Goodman's Fields, Old Jewry, Clapham, Hackney, Stoke Newington, Newington Green, Peckham.

**INDEPENDENTS OR CONGREGATIONALISTS :** New Court Carey Street, Fetter Lane, Hare Court Aldersgate Street, London Wall, Broad Street Moorfields, White's Row Spitalfields, Eastcheap, New Gravel Lane Wapping, Nightingale Lane, Haberdashers' Hall Staining Lane, Pinners' Hall Broad Street, Redcross Street, Barbican, Jewin Street, Stepney, Union Street Borough, Colliers' Rents Borough, Camomile Street, Jamaica Row Rotherhithe, Chapel Street Soho, Bethnal Green, Islington, Kensington, Pavement Moorfields, Hoxton, Bury Street St. Mary Axe, Founders' Hall Lothbury, Newington Butta, Deptford, Hammersmith, Hackney, Locke Fields Walworth, Queen Street Ratcliff Highway.

**SCOTCH PRESBYTERIANS :** Swallow Street, Peter Street Soho, London Wall, Crown Court Drury Lane, Artillery Street Spital Fields, East Smithfield, Camberwell.

**SECEDERS :** Well Street Oxford Street, Bow Lane, Miles's Lane, Cannon Street.

There are also lists of Baptists and Methodists.

The London "Presbyterian" chapels in 1865, after the lapse of another seventy years, are given as Paradise Fields Hackney, Stoke Newington Green (morning), Stamford Street Blackfriars, Islington, Essex Street, two chapels connected with the Domestic Mission in Chapel Street and Spicer Street Spitalfields, Little Portland Street Langham Place (morning), Sermon Lane St. Paul's (evening), Roslyn Hill Hampstead, Clarence Road Kentish Town, Effra Road Brixton.

The lists in the foregoing pages show the short duration of Nonconformist congregations, for, especially if they are not endowed, they require many favourable conditions in the general society around, in order to their permanent subsistence in the unhealthy atmosphere produced by a State church; and those on the Congregational principle have, as the inevitable consequence of their nature, the peculiarity that, unless they in some considerable degree fulfil the idea and purpose of their being, they fall into a state of decay, which speedily produces their dissolution. The Episcopalian and Presbyterian systems, in their various forms, support worship where Independency would fail to do so, for to last it must be fully carried out; mere congregations without churches within them are insufficient to secure their own permanence. Now a

congregational church is the only fellowship in Christendom which is in idea restricted to truly regenerate men, real children of God, living in contrast to the world of nominal Christians around them. It is no wonder then that such societies soon become extinct, just as the hundreds of churches founded by the apostles, (recorded in the New Testament or not), disappeared ; and any one that admires Independent churches in their purity and efficiency must say of them, what was first said of far different societies, *Sint ut sunt aut non sint*. It is well that they should pass away, and that other churches should arise in their place, rather than they should exist only to teach error, or at best to exhibit religious worship and teaching in the condition of utter inefficiency, which was the general characteristic of the Establishment during the period in question.

p. 742. An analysis of this list gives the following result :

According to the classification of the recipients here given, and doubling the half-yearly sums, the last year's distribution of the old trustees was to 62 Soc. ministers £798, or on an average £6 7s each ; to 4 students at Manchester College, York, £100 a year, or £25 each ; and Mr Wellbeloved £80 a year, making a total of £978 ; to 49 Presbyterian ministers £395, or on an average £8 1s each ; to 92 Independent ministers £658, or on an average £6 5s each ; and one student at Airedale £10 ; making a total of £339 ; to 33 Baptist ministers, 217 or £3 5s 9d each ; in the aggregate to orthodox parties £1214.

The separate grants were as below :

£32, £24, £21, £20 (1 each) to Socinians.

£19, £18, (1 each) to Independents.

£17 to 2 Socinians.

£16 to 15 : 7 Socinians ; 2 Presbyterians ; 5 Independents ; 1 Baptist.

£15, £14 (1 each), to 2 Socinians.

£13 to 2 : 1 Socinian ; 1 Independent.

£12 to 36 : 33 Socinians ; 3 Independents.

£11 to 1 Independent.

£10 to 22 : 8 Socinians ; 6 Presbyterians ; 7 Independents ; 1 Baptist.

£9 to 1 Presbyterian.

£8 to 46 : 21 Presbyterians ; 16 Independents ; 9 Baptists.

£7 to 15 : 1 Socinian ; 3 Presbyterians ; 6 Independents ; 4 Baptists.

£6 to 14 : 1 Socinian ; 4 Presbyterians ; 7 Independents ; 1 Baptist.

£5 to 78 : 2 Socinians ; 9 Presbyterians ; 47 Independents ; 17 Baptists.

£7, £6, (1 each) : and £5 to 3 denominations not known.

The large sums were thus divided : York £80, Bradford Yorkshire £32, Halifax £24, Doncaster £21, Wakefield £20, all Socinians.



According to counties the division was as follows :

**BERWICK.** 1 P. £8, 1 B. £5.

**NORTHUMBERLAND.** Alnwick K. £16, Soc. £6 : Bavington K. £5 : Belford S. £10 : Billingham S. £5 : Birdhop Craig K. £10 : Blythe I. £8 : Branton K. £8 : Etall K. £8 : Falstone K. £10 : Felton K. £8 : Glanton K. £9 : Haltwistle K. £8 : Harbottle K. £8 : Hartley P. £8 : Haydon Bridge and Corlidge I. 8l : Hexham K. 10l : Long Framlingham K. 8l : Morpeth K. 8l : Newcastle P. 5l S. 7l : Castle Garth R. 15l B. 5l I. 5l : Stamfordham K. 8l : Spittle K. 8l : North Sunderland S. 8l : North Shields B. 8l S. 6l : Thropton K. 8l : Wallsend S. 12l : Wark K. 18l : Warneford P. 8l : Widdington K. 8l : Wooler K. 8l.

**CUMBERLAND.** Alston Moor I. 5l : Bewcastle K. 10l : Blennerhasset I. 5l : Brampton K. 8l : Carlisle S. 10l I. 7l : Cockermouth I. 5l : Longtown K. 6l : Maryport K. 7l : Oulton B. 5l : Parkhead I. 8l : Penrith S. 16l I. 5l : Salkeld and Plumpton S. 8l : Whitehaven K. 6l : Workington K. 8l.

**WESTMORELAND.** Kirkby Stephen I. 8l : Ravenstonedale I. 10l : Rawtenstall Soc. 5l.

**DURHAM.** Chester le Street I. 5l : Gateshead K. 5l : Hamsterly B. 5l : Houghton le Spring S. 5l : Monkwearmouth P. 6l : Norham S. 5l : South Shields, K. 5l P. 12l : Stockton Soc. 13l : Sunderland and Shields Soc. 10l : Tweedmouth K. 15l.

**YORKSHIRE.** Allerton near Bradford 5l : Barnsley I. 8l : Bingley I. 4l : Birchcliffe B. 5l : Bishop's Burton B. 7l : Bradford Soc. 32l : Bramley B. 8l : Birdlington B. 8l : Brighouse I. 10l : Celandine Nock B. 5l : Cleckheaton I. 10l : Cold Rowley B. 7l : Cotherstone I. 16l : Cottingham I. 5l : Cowlinghill and Kilwick B. 5l : Dogley Lane I. 5l : Doncaster Soc. 21l : Eastwood I. 6l : Eccleshill I. 5l : Elland Soc. 16l : Ellenthorpe I. 15l : Farsley B. 5l : Feetham I. 18l : Gildersome B. 16l : Great Ayton I. 10l : Great Driffield I. 5l : Gainsborough I. 5l : Halifax Soc. 24l B. 10l : Heaton B. 5l : Hebden Bridge B. 7l : Heckmondwicke I. 5l : Holmfirth I. 5l : Horsforth B. 5l : Honley I. 7l : Howarth B. 5l : Howden I. 5l : Hull Soc. 12l : Keighley I. 6l : Keld I. 13l : Kirby Moorside I. 5l : Kirkham I. 5l : Knaresborough I. 19l : Leyburn I. 5l : Lidgate 5l : Locksley I. 5l : Lockwood B. 7l : Market Weighton I. 5l : Marsden I. 5l : Mixenden I. 8l : Morley I. 16l : Netherfield near Penistone I. 5l : Northowram I. 8l : Osset I. 10l : Otley I. 5l : Pateley Bridge I. 5l : Pickering I. 5l : Pocklington I. 5l : Pontefract I. 16l : Pudsey I. 16l : Queenshead near Halifax B. 5l : Rishworth B. 5l : Rotherham Soc. 17l : Sandryke Gisburn Forest I. 5l : Scarborough B. 8l : Selby Soc. 17l : Settle I. 5l : Shelley I. 5l : Shipley B. 8l : Shore B. 5l : Skipton I. 10l : Sowerby I. 11l : Stainland I. 5l : Stannington Soc. 12l : Steep Laue

near Halifax B. 51: South Cane and Elloughton I. 81: Swanland I. 81: Thirsk I. 51: Thorn and Statfield Soc. 121: Thornhill B. 71: Wainsgate near Halifax B. 51: Wakefield Soc. 201: Warley I. 161: Whitby Soc. 121: Wortley I. 51: York Soc. 801.

LANCASHIRE. Blackley Soc. 121: Blakeley B. 81: Booth I. 51: Bolton Moor Lane 61: Burnley B. 81: Bury Soc. 121. I. 51: Clitheroe I. 51: Chorley Soc. 121: Chowbent Soc. 121: Dob Lane Failsworth Soc. 121: Fullwood I. 61: Gorton Soc. 121: Greenacres I. 51: Hallfold I. 71: Hallshaw I. 51: Haslingdon I. 81: Hindley Soc. 121: Horwich I. 61: Lancaster Soc. 121: Liverpool Edge Hill B. 51: Toxteth Park Soc. 121: Lydiate Soc. 161: Monton Soc. 121: Ormskirk Soc. 161: Park Lane Wigan Soc. 101: Pendlebury I. 51: Platt Soc. 121: Prescott Soc. 101: Preston Soc. 121: Rainford I. 71: Risley Soc. 121: Rivington Soc. 121: Rochdale Soc. 121. Soc. 101: Rossendale Soc. 121. B. 61: Smallbridge I. 71: Southport I. 51: Stand Soc. 121: Tottlebank B. 81: Ulverstone I. 61: Wharton I. 51: Walmsley Soc. 121: Willesden I. 81: Wigan and Tunby K. 121.

CHESHIRE. Altringham Soc. 121: Congleton Soc. 161: Cross Street Soc. 101: Dean Row Soc. 121: Duckenfield Soc. 121: Hatherlow I. 61: Hyde Soc. 121: Knutsford Soc. 151: Macclesfield Soc. 121: Nantwich Soc. 121: Northwich I. 71: Partington I. 61: Stockport Soc. 141. I. 51.

DEBRYSHIRE. Alfreton I. 81: Bamford I. 51: Charlesworth I. 51: Chesterfield Soc. 121: Chinley Chapel I. 51: Derby Soc. 121: Hedge I. 51: Hopton I. 81: Hucklow, Bradwell, Middleton and Ashford Soc. 161: Ilkeston and Findern Soc. 161: Marple Bridge I. 51: Ripley and Duffield Soc. 141.

LINCOLNSHIRE. Barrow 51: Barton-upon-Humber I. 51: Boston Soc. 121: Gainsborough Soc. 101: Lincoln Soc. 121: Stamford I. 101.

NOTTINGHAMSHIRE. Mansfield Soc. 121.

STAFFORDSHIRE. Burton-on-Trent B. 81: Newcastle-under-Lyne Soc. 51.

SALOP. Whitchurch Soc. 161: Wem I. 81.

LEICESTERSHIRE. Loughborough Soc. 101.

CAMBRIDGESHIRE. Wisbeach Soc. 101.

Doungay and Lutton are unknown. One or two errors of the press will not substantially affect the calculations.

This analysis is requisite to a fair estimate of the distribution in the former state of things. Many considerations must also be taken into account, which it is unnecessary, and might be thought invidious, to specify here.

p. 785, l. 6. The confident, indeed the over-bearing tone and

manner which the heterodox parties maintained throughout all the suits, even to their very end, was perhaps the most remarkable circumstance connected with the contest. It is easy to say that they relied on the goodness of their case, and that it triumphed at last. Such trust, however, was not manifested by their keeping back the objection as to evidence in both the English suits until the final appeal, or by setting up at the same stage for the first time the original illegality of the General Fund, or by getting in the legal estate of the Clough and Killinchy chapels, as to the former from a man intoxicated for the purpose. After they had at last discovered that their hope in the courts was self-delusion, and that no argument, whether legal or historical, would stand examination, the memorial of March 1843 took the same tone, although Sir Robert Peel declared, when he saw the bill was safe, that he had not, previously to its introduction, expected it to be carried. They however knew the men with whom the fate of the bill rested. It was first introduced in the House of Lords, and they could safely trust in their friends there. Lord Cottenham and Lord Campbell were their old advocates who had entered into every point they raised. Lord Brougham's opinions were well known from his Glasgow declaration that a man was not responsible for his belief; he had already referred to the "interpolated verse in St. John, and the spurious chapter in Josephus, upon which may repose the foundations of a religion or the articles of its creed;" he had characterized a deist as "one who disbelieves in our Saviour being either the Son of God or sent by God as his prophet on earth," (though this perhaps now would be thought illiberal and uncandid); he had remarked of his beau ideal of a clergyman, his kinsman Dr. Robertson, that "his notions of usefulness and his wish to avoid the fanaticism of the High Church party (which with us would be called the Low Church or Evangelical) led him generally to prefer moral to theological or gospel subjects;" and throughout his lives of the Doctor and his friend David Hume, he had never referred to Evangelicals otherwise than as the fanatical party, so that, not to mention the good will which he had manifested in the case of the Hewley charity, they were safe of him. As to Lord Lyndhurst, no doubt a very short interval elapsed after the judgment of the House of Lords, before he made known to them his opinion that a measure which merely preserved to them the chapels and endowments which had not been recovered, and did not give them back the Wolverhampton, Clough, and Killinchy meeting-houses, and the Dublin and Hewley Funds (for they could not have wished for anything else which they did not get), was but a scanty measure of justice, and encouraged them to set at nought any "clamorous opposition they might encounter." Sir Robert Peel also they doubtless knew sufficiently to count on his negotiating for them out of Parliament, and in Parliament making

statements on their behalf which they would have been ashamed to make for themselves. They further knew that he could secure on the side his law officers, including his Irish Chancellor. No wonder that the memorial shadowed forth the bill and the speeches in favour of it, and that the silence which it preserved as to all details was the instruction under which the Chancellor avoided for his measure the ordeal of a select committee, after having promised it to the other Relief as a matter of course.

p. 792, l. 4 from bottom. This petition, it should have been noticed, was by a remnant only of the Seceders, see p. 582. The Kirkmen, the Free Churchmen, the United Associate Synod, and the Relief (now the United Presbyterians), did not oppose the bill.

p. 795, l. 4 from bottom. The act is referred to as 7 and 8 Victoria chapter 45, and is entitled, "An act for the regulation of suits relating to meeting-houses and other property held for religious purposes by persons dissenting from the United Church of England and Ireland."

This title was singularly incorrect. The act (practically) limited suits as to certain chapels and property held in trust for Dissenters, as it did not regulate any suits, nor did it affect Dissenters' chapels and property generally; but the more vague and general the title, the better was the appearance of matters, and the more the real intention and the true effect were disguised. Mr Hardy pointed this out to the House in vain, p. 542, but it was not to be expected that such an act would be properly entitled. The short title in the Commons' votes was, "Limitation of suits for Dissenters' Chapels' Bill."

The proviso giving the court power to stop suits previously commenced was contrary to all former practice in suits affecting property. The Bill as introduced carefully provided that it should not affect property in suit on the 1st March, which was six days before the first reading in the Lords. Thus the informations as to the Dublin chapels would, if Ireland had been included in the Bill, have been left to take their course because, as Lord Lyndhurst knew, a select committee would, as a matter of course, have inserted a clause which would never afterwards have been got rid of, and would have effectually preserved the rights of the parties to all existing suits. The carefully selected committee to which was referred the knotty point as to extending the Bill to Ireland had their attention drawn to the suits by the petitions referred to them, but even they did not recommend that the Bill before them should be altered so as to give effect to the prayer of those petitions. That was accomplished without notice on the third reading, and the House appears to have been packed for it, as the majority was 41 to 9, which showed a large attendance that afternoon of peers favourable to the bill.

The best comment on Sir Edward Sugden's arrest of the suits is the

exposure of all the manœuvres in Parliament which were requisite to give it effect.

It is most painful to think an act passed for such a purpose was the first in which Parliament disregarded a rule so well founded in principle as that by which it had, up to that time, restrained itself from interfering with any suit once instituted for the recovery of property. The Bishop of London assures us, p. 524, that the act was contrary to the plainly expressed convictions of the nation, and it is well that could be said. Nevertheless the majority in the Lords was nearly in the proportion of five to one, and that in the Commons much more than two to one.

p. 457, last line but 2. The following remarks were made by the law lords who decided the appeal in the *A.G. v. Drummond*.

LORD BROUGHAM, "I attended at the hearing of this case with my noble and learned friend near me (Lord Campbell) and my noble and learned friend Lord Cottenham, whose absence on account of indisposition, we have to lament. He has however, considered this case, and after communicating with us on the subject, he has sent me a corrected copy of his judgment, which I will read to your lordships, and in which I entirely coincide. The case is of great importance; and whatever opinion we might have had before the case of Lady Hewley's charities, I do not consider that we can do otherwise than the Court of Chancery in Ireland did, that is, to follow the principles laid down in that case."

His lordship then read Lord Cottenham's judgment as follows:

"It appears to me that the rules and principles acted upon in the case of Lady Hewley's charities, govern the present. The cases indeed are very similar. In Lady Hewley's charities the principal question was, the meaning of the founder's words, 'Godly preachers of Christ's holy gospel;' and whether Unitarians were included in that description. In the present case the question is the meaning of the founders' words, 'Protestant dissenters;' and whether Unitarians are included in that description. In Lady Hewley's charities, the evidence used below embraced a wide range, much of which was probably not properly receivable; but there was sufficient evidence free from all objection to enable the judges and this House to come to a satisfactory conclusion upon the meaning of the words, and the disqualification of Unitarians.

"In commenting upon the opinions delivered by the learned judges upon the question of the admissibility of evidence in the case of Lady Hewley's charities, I observed that the evidence which went to show the existence of a religious party, by which the phraseology found in the deed was used, and that Lady Hewley was a member of that party was clearly admissible, being in effect no more than evidence of the circumstances by which the author of the instrument was surrounded at

the time. The appellants in this case, indeed, attempted to distinguish the two cases, upon the ground that, although no distinct meaning could be attributed to the mere words, 'Godly preachers of Christ's holy gospel,' the words 'Protestant Dissenters' had a known legal meaning, and therefore in the absence of ambiguity, evidence of the meaning of those words could not be received. It is clear that the words of themselves have not any such known legal meaning as the appellants would attach to them. The expression, 'Protestant Dissenters,' do indeed of themselves imply that the parties are Protestants against the Church of Rome, and Dissenters from the Church of England, but that is all. They cannot include all those who are neither of the Church of Rome nor of that of England, for that would include all those who reject Christianity altogether; nor all those who, to some extent, admit the divine mission of Christ, for do not the Mahomedans do that? What classes, and what descriptions of persons are included, is uncertain from the terms used, and therefore matter of proof. The appellants indeed refer to acts of parliament and other documents, for the purpose of showing that Unitarians have been included in the general terms of Protestant Dissenters. If this be admissible for the appellants, it is clearly open to the respondents to adduce evidence to prove that such was not the sense in which the words were used by the founders of these trusts, which is in truth the whole question.

"It appears to me clear, that upon the principle of the case of *Lady Hewley's charities*, and within the limits acted upon in that case in this House, evidence of the meaning of these words 'Protestant Dissenters,' as understood and used by the authors of these trusts, is admissible.

"Some important points are certain from the deed itself, such as that the trust originated with the members of certain congregations of Dissenting Protestants in Dublin; that they professed that the charity was founded upon a pious disposition and concern for the interest of our Lord Jesus Christ; and that its object was the support of religion in and about Dublin and the south of Ireland, by assisting and supporting the Protestant Dissenting interest against unreasonable prosecutions, and for the education of youth designed for the ministry amongst Protestant dissenting congregations that were poor and unable to provide for their ministers. It is established beyond all doubt that these congregations professed Trinitarian doctrines; that there were not at that time any Unitarian congregations or ministers in Dublin or the south of Ireland, although there were individuals who professed those doctrines.

"Looking then to the declared objects of the trust, those who had no congregations or ministers, and who had not in the opinion of the founders been subject to any unjust prosecutions, could not have been

in the immediate contemplation of its authors ; but still they may have had intentions so liberal and enlarged as to embrace objects not immediately contemplated, but such objects must have been within their general intentions and within the mischief they proposed to guard against. They must have been Protestant Dissenters within the sense in which the authors of the trust understood and used this description. The inquiry therefore, is, were Unitarians or Unitarian Christians included in this description, as so understood and used ? The evidence I think proves that they were not.

“ The quotations in evidence from members of those congregations, at or about the period of the trust, prove the abhorrence in which they held the Unitarian doctrines. This cannot be more strongly expressed than in the extract from the sermon of Samuel Mather, who says : ‘ If any man deny one God and three Persons, deny the Scriptures, the Deity of Christ, the immortality of the soul, the resurrection of the body, or such like fundamental points, it is the duty of the church to cast him out ; he is unclean.’ So his brother Nathaniel Mather says, ‘ this belongs to Christ ; he is God, co-equal with the father and the Holy Ghost, being one of the blessed perfections of the Divine essence.’ And after speaking of the opinions of Papists, Socinians and their followers, he says, ‘ Grotius indeed does the same, and I learn that Arminians and Socinians do so too ; but I do not reckon Grotius, or them, among Protestants.’

“ Many other extracts to the same effect were produced ; but that, which is most conclusive, is what appears in Emlyn’s history and narrative, and the reply to it by Mr Boyce, one of the authors of this trust. Emlyn complains of these congregations and their members as having taken part against him, and the Irish convocation in their address to the Crown claim credit for having so done, and declare that there are no people in the world, whose principles and practices are more opposite to Deists, Socinians, and all the enemies of revealed religion, and to Papists, than they were, and ever had been.

“ It is useless after this, to refer to more evidence upon this point. The authors of this trust at the time it was created, were professed Trinitarians, and not only disclaimed all connexion with, or sympathy for those who professed Unitarian doctrines, but held them in abhorrence, and publicly declared such to be their opinions, denying that such Unitarians were Protestants or Christians. Can it then be supposed that these authors of the trust in question intended to associate with themselves as *cestuis que trust*, those whose doctrines they so abhorred and condemned ? Is not the sense in which the words ‘ Protestant Dissenters’ were used by the authors of this trust, made clear beyond all question ? They denied the right of Unitarians to the appellations of Protestants

or Christians, and could not therefore intend to include them in the description of Protestant Dissenters.

"It appears to me, therefore, that the decree of the Lord Chancellor of Ireland was correct, in declaring that Unitarians are not entitled to be considered as objects of the trust.

"Other objections were raised to the decree, which may be disposed of in very few words. It was said that there being at the time no Toleration Act for Ireland, the whole trust was illegal; now if the illegality were proved, the question would arise, how can these appellants raise that objection, they claiming under the trust, and showing no other title to be heard?

"Secondly, it was urged that long enjoyment gave title to the Unitarians. Contemporaneous usage is, indeed, a strong ground for the interpretation of doubtful words or expressions, but time affords no sanction to established breaches of trust.

"It was also objected that the decree removed some Trinitarian, as well as the Unitarian, trustees; but this was sanctioned by the decree in Lady Hewley's charities, and is right upon principle. The decree proceeding to correct a breach of trust, removes those trustees who were the authors of it, for that is of itself a sufficient ground of removal, common to both classes. I therefore advise your Lordships to affirm the decree, with costs."

Lord Brougham then stated his own opinions thus:

"The only point upon which I entertain the least doubt is, whether his lordship (Lord Cottenham) does not express too doubtfully the inadmissibility of some of the evidence which was received in the court below in the case of Lady Hewley's charities; but I think he is quite right in his argument upon the admissibility of the evidence which was received in this case, and that the evidence was admissible in this case for the purpose of showing the circumstances in which the party was when making the instrument. You admit it as you admit evidence in construing a will, not to modify the expressions of the will, not to affix a sense upon the will which it does not bear, not to tell you what the meaning of the will is, but to tell you what were the circumstances in which the testator was when he used those expressions, for the purpose of enabling you to ascertain what meaning he affixed to the expressions that he used, and for no other purpose. There was nothing further done in this case, and it is clear that the evidence was admissible.

"I therefore entirely agree with the view taken by my noble and learned friend, and move your Lordships that this appeal be dismissed, and that the judgment of the court below be affirmed, with costs."

LORD CAMPBELL: "As my noble and learned friend has alluded to the case of Lady Hewley's charities, I have no difficulty in saying that I am



clearly of opinion now, speaking judicially, that there was a great deal of evidence admitted in that case, which ought to have been rejected. There was abundant evidence to support the decree, of course; we are now bound by that decree, because it has received the sanction of this House, and I think that the evidence which was admissible there, was abundant for the purpose of supporting the decree. But there were in that case admitted and reasoned upon by the Vice-Chancellor of England, and partly by Lord Lyndhurst, declarations made by Lady Hewley as to the particular sense in which she used particular words, or rather evidence tending to show the sense in which the words were used by her. Now that, I apprehend, was clearly inadmissible. On general principles I adhere to what I contended at your Lordships' bar, as counsel in the case of Lady Hewley's charities; and which I find the Lord Chancellor of Ireland has done me the honour to adopt, and to say that it is the canon by which he himself has been guided, viz., that in construing such an instrument, you may look to the usage to see in what sense the words were used at that time; you may look to contemporaneous documents, as well as to acts of Parliament, to see in what sense the words were used in the age in which the deeds were executed; but to admit evidence to show the sense in which words were used by particular individuals, is contrary to sound principle, and I think my noble and learned friend the present Lord Chancellor (Lord Cottenham), could not have any doubt at all in rejecting such evidence.

"My Lords, adopting that canon, I really do not think that there is any reasonable doubt in this case, because what we have to determine is, the meaning of the words 'Protestant Dissenters' in the deed constituting this charity, at the time that deed was made, not what may be the meaning of the words 'Protestant Dissenters' in the reign of Queen Victoria, because I have no doubt now that, upon most occasions, Unitarians would be considered as Protestant Dissenters. Since the repeal of the act of William III., against impugning the doctrine of the Trinity, they have not been liable to any penalties, and it would be very unchristian to say they are not Christians. They are Dissenters, and, therefore, I apprehend, they may be properly denominated Christian Dissenters, and that they are 'Protestant Dissenters.'"

"But at the same time we have to look at what they were when this charity was founded. At that time I think the evidence is abundant to show that the authors of the charity would not at all have considered Unitarians as 'Christian brethren;' that they would have looked upon them with great horror, and never would have called them 'Protestant Dissenters;' and therefore they cannot be considered as included in the description of those for whom this charity was founded.

"That being the case, the decree pronounced by Lord Chancellor Sugden seems to me to be perfectly correct.

"Enjoyment might be evidence, if it was doubtful how far Unitarians were included ; but assuming that Unitarians are excluded, the enjoyment must go for nothing.

"Then as to the other point, that the purposes of this charity cannot by law be carried into execution, and that the funds must be disposed of by the sign manual of her Majesty ; I entirely concur in the opinion that that argument cannot be entertained by your Lordships.

"I do not think it necessary to enter more at large into this subject, which has been already so ably discussed, but, upon the whole, I entirely concur in the opinion that the judgment of the court below should be affirmed, with costs."

"It was ordered accordingly, That the decree be affirmed, and the appeal dismissed, with costs to be paid by the appellants to the relators, Matthews and Black, who alone answered the appeal."

This account is from the second volume of Clarke and Finelly's House of Lords' cases, which it had been understood, from solicitors engaged on different sides of the case, contained no notice of it, but a search for another purpose discovered it after the Errata and Index were partly in type.

These judgments are particularly valuable ; they prove that there was no doubt either as to the law, as Lord Lyndhurst and Sir William Follett so impudently feigned ; or as to the opinions of the Presbyterians, English or Irish, up to the end of the chapel-building period, for the facts as to Emlyn and the general arguments applied to both countries. This judicial recognition of the orthodoxy of the body, (which indeed was previously abundantly certain), must for ever dispose of the notion that their vague trust deeds were prepared to meet the case of congregations who knew that their opinions were illegal, or who were indifferent as to doctrines ; one or other of which suppositions seemed matter of necessity to Lord Cottenham, Sir Robert Peel, and Mr Gladstone. It also exposes the falsity of the statement which is to be found at p. 775, and pervades almost all the arguments of the Socinian party, that it was decided in *A.G. v. Shore*, and *A.G. v. Pearson*, which was incorrectly considered to be altogether governed by it, that the worship which Presbyterian founders intended to promote was ascertained to be Trinitarian only by following the presumption of law ; on the contrary, in both those cases it was declared that the foundations were restored to orthodoxy exclusively on the ground of the certain intentions of the founders. The act of 1844 has indeed no meaning except as it limits the time within which congregational properties, (or rather quasi properties), can be restored to their original purposes,

after having been perverted from them : and *Drummond v. the A.G.* decided that neither Socinians nor Arians can take any benefit from a religious charity founded in 1710 for the benefit of Protestant dissenters, for the reason that persons at that time describing themselves, and pointing out the objects of their foundations, by that name, would not have recognized Socinians or Arians as belonging to their body, and did not intend them to participate in those benefactions. The decision was that the words "Protestant Dissenters" as explained by admissible evidence had this meaning at that date ; and fully recognized the old doctrines that the intentions of founders, ascertained in this manner, guided courts in the construction of foundation deeds ; that the perversion of a charity was to be redressed at any distance of time ; and that no length of time during which it had been wrongly enjoyed gave a right to it.

The remarks of these three law lords, always the advocates of the Socinians, destroy the chief pretences on which the act was passed, and their words read as a bitter condemnation of its authors.

Let us see how these remarks bear upon the Dublin chapels. The General Fund deed was dated in 1710, the trust deed of the Eustace Street chapel, (to which the congregation from New Row removed), was dated in 1725, a deed declaring trusts of the building fund was dated in 1718-9, and Mr Damer's was the chief name in all these deeds. The Strand Street chapel derived £100 a year, as an original endowment, from the General Fund, and it was built (in 1768) by the congregation of Wood Street chapel, (with what funds was not shown), in substitution for that chapel from which Mr Emlyn was expelled in 1702, and of which Mr Boyce was minister until 1728, and Mr Choppin until 1741. Mr Abernethy was co-pastor with the latter, and it was said on the trial that he was an Arian, but there was no proof of this, and what proof there is is the other way. Lord Campbell found himself compelled to own that these congregations in 1710, instead of considering persons holding the opinions of the present occupants of the chapels as members of their body or Christian brethren, would have looked upon them with great horror. Yet these were the two chapels which the act preserved to Arians or Socinians in violation equally of precedent and principle, by a provision, which, in fact, was applicable only to them.

To advert to other matters, the law lords did not commit themselves to any opinion as to the admissibility or non-admissibility of any specific part of the evidence given in the *Hewley* case. They were no doubt hampered by the consideration that the belief of a denomination must in part be shown by acts or writings of individuals belonging to it, in which light most of that evidence could be viewed. It is to be particularly noticed that no attempt was made to show that Lady Hewley

used any expression in a sense peculiar to herself, as Lord Campbell would have it understood. Her own will was brought forward to show her opinions to have been those of her party, and in no other way to give a particular meaning to any words in her foundation deed.

The appellants gained nothing by setting up the illegality of the fund, though they made it, according to the report, the chief point in their appeal, but the infamy of the attempt, and Lord Cottenham's exposure of its folly.

The Trinitarian trustees were removed for sharing in the illegal appropriation of the fund, and the appellants, two ministers, were condemned in the costs, as to which the heterodox party always fought hard.

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It may be admitted that a description of the church government and discipline of the English Presbyterians would most appropriately have formed part of the introduction to the contest between the Independents and the Scotch Presbyterians, but it was necessary to commence the volume with a short account of their system; and particulars and illustrations of the state of things among them were subsequently given as they bore upon the more important branch of the controversy which they left as the chief part of their *damnosa hereditas*. Some authorities were obtained only in time to appear in the Appendix, or to be referred to in the Corrections. There will be found some advantage in gathering up in a few sentences the effect of all these scattered notices,\* in addition to making the references to them in the Index much fuller than any to be found in relation to other subjects.

The Scotchmen did not attempt any proof that after the Revolution a single presbytery was set up in England otherwise than in original connection with a Scotch denomination, beyond a mere assertion that the existing presbytery of Northumberland was formed soon after that event. Any organization however which existed at that time in the northern counties, was no more than a Southern Association; indeed it was called a Class, a name which, though during the Commonwealth it was the English name for a Presbytery, was afterwards used in the North of England in contradistinction to it. The evidence in *A.G. v. Wilson* will bear out these statements. The only union known among

\* Such a description was at first inserted to fill up a blank half page, but when this reason was obviated by the further notice of the *A.G. v. Drummond*, the incompleteness of this volume without such a summary caused a much larger space to be devoted to it.

The reader is desired to notice that the addition at p. 826 to the remarks ending at p. 785 was not an afterthought, but was occasioned by an omission in printing that page.

English Presbyterians was the meeting of the ministers of a district, in which Independents took part on a perfectly equal footing, and which had no jurisdiction, but was held merely for conference and advice. The ordinations within the district, it is true, were naturally, and indeed necessarily, conducted by members of the association, but the individuals officiating appear to have been in most cases selected by the minister to be ordained, and to have acted with any other ministers from a distance whom he invited. Independents assisted in the ordination of Presbyterian ministers, occasionally taking the most important parts of the service. These ordinations in all respects resembled ordinations among Independents at the present day, except that there was, at any rate during the chapel-building period, an examination into the theological and general acquirements, and the pulpit abilities, of the candidates. This enquiry was not made at the ordination of Independents, but in the case of many of their ministers it had taken place preliminarily to their being considered qualified to entertain a call to the pastoral office. The chief peculiarities of the early Independents were connected with their ordinations, and they were soon abandoned, and the Presbyterian method adopted, with the exception which has been mentioned.

It is to be noticed that most of the Presbyterian ministers were educated at private academies, and no greater proportion of them than of their Independent brethren had resorted to universities out of England. In learning, as shown by authorship, they had no pre-eminence.

There was no discipline in the Presbyterian churches; admission to the Lord's Supper seems to have been permitted, as a matter of course, on application to the minister, and church censures were unknown. It has not been shown that there existed, in any congregation of English Presbyterians, an eldership exercising any church power; the usual committee or body of managers have, in contempt of the facts of the case, been represented as being so many elders, but no instance has been produced of their deciding on the admission of communicants, or managing any other than the temporal affairs of the congregation. An isolated congregation, although governed by its minister and elders, would not be truly Presbyterian unless the minister and elders were ordained and governed by a presbytery. But were it otherwise it is not with such isolated congregations we have to do here, but with congregations existing in every county, and all self-governed. This was without doubt the case with the congregation at York, of which Lady Hewley was a member, the Presbyterianism of which was most confidently deposed to. It is impossible to frame any consistent definition of Presbyterianism which can embrace a state of things such as this.

The proceedings as to the Exeter ministers display and illustrate

the state of things almost as fully as could be wished. There was a Kirk Session, but a committee of management, who apparently were also the trustees, and they decided and acted for the united congregations. The Western Assembly, though the most highly organized of all the Associations, had no jurisdiction in the matter, and no real power as appeared during the contest, for they could not even control ordinations within their bounds by members of their own body. After this Assembly found they were powerless to deal with the suspected ministers, the London ministers were consulted, and they recommended that the difficulties should be submitted to the wisest ministers of the neighbourhood. Seven of them were accordingly selected by the committee but failed, and then the five London ministers took up the matter again; and they thought it best to call together the ministers of the three denominations, English and Scotch Presbyterians, Independents, Calvinistic Baptists, and Arminian Baptists. This was not Presbyterianism. In the meantime the Exeter people did not wait for their decision, but the trustees of the chapels shut the doors against Mr Pierce and Mr Hallet. The Happy Union and the Associations would not have been formed, or even thought of, if there had been presbyteries; and it is to be noticed that all the opposition to their formation came from Independents. Such a system as obtained among all the English Presbyterians, according to the historians of the Synod of Ulster and its leaders in our own time, was one of real Independency, but for the most part of Independency without its vital forces or its safeguards.

For default of any organization embracing several congregations, they necessarily became congregational, the seat-holders having the powers which the church exercised among Independents; some congregations however went beyond this, for the use of a church covenant, and the practice of obtaining the sanction of the body of communicants to admissions to communion which obtained among them, amounted to the adoption, however imperfectly, of Independent principles. The minute of the Cheshire Association, if carried out, would have ensured the adoption of the Independent system in purity and efficiency; and in Cheshire and Lancashire the Presbyterians outnumbered the Independents in a greater degree than in any other part of the kingdom. On the other hand, some Independent churches abandoned their old discipline, and the ministers admitted to the Lord's Supper at their pleasure, and consequently seat-holders were admitted to participate in the choice of the minister; in all other cases they soon, while preserving every vital part of their system, gave up the rigidity and peculiarities which occasioned whatever difficulty there had been in working with them. The extent to which ministers were interchanged between the denominations is shown by Dr. Evans's list; indeed in the original the two bodies are inter-

mixed in a manner which can be accounted for only by their being considered as substantially one. The Independents have, in this volume, been arranged in a list by themselves, to the great prejudice of the argument now on hand, the convenience of the method for all other purposes having outweighed this disadvantage attending it. In London, where only separate boards and funds for the support of religion throughout the country were established, a congregation was esteemed to belong to one or the other body according to the fund selected by the pastor for the time being to receive their annual fund-collections, and the Presbyterian fund has always assisted several Independent congregations. Though the ministers called themselves some by one name and some by the other, differences other than doctrinal ones, went on disappearing more and more, until at last, in Lord Mansfield's time, the right of a professed Independent to be minister of a chapel founded by Presbyterians being submitted for decision to the courts at Westminster, the Judges could not discover any real difference between the denominations. The result is that the Independents are now in possession of very nearly half the old chapels now existing, or others built in substitution for them ; and all those of them now in the hands of Scotch Presbyterians were formerly occupied by Independents, or by congregations not in connexion with any Presbytery. This merging of one denomination in the other was to be expected from all their mutual relations from the era of the Revolution. In several instances a body of Independents, as such, joined a body of Presbyterians in the formation of their congregation, and such unions occurred from time to time until heterodoxy in the Presbyterians formed a gulf between the denominations. The Independent system in the end prevailed, because it was better suited to the English character, and because no effort was made to carry out any one principle of Presbyterianism. Those who prefer the latter polity have a right to say that it has not failed in England, because it never was really put on trial here. This view of the case is however fatal to the claim made by the Scottish denominations to the charities and chapels of Lady Hewley and her likeminded contemporaries.

The question as to creeds requires special notice. The English Presbyterians do not appear to have demanded, on any occasion, a profession of adherence, by subscription or otherwise, to any written standard of doctrine.

The divines of the Westminster Assembly, when they formed their Directory, knew that the Arminianism which was the chief object of their hostility had been introduced and diffused by men professing the articles which all the Protestant predecessors of Archbishop Laud had regarded as bulwarks of the old Augustinianism. The ejected ministers and their immediate successors saw that the same articles were

subscribed, at ordination and every step of preferment, by the men who were answerable for the state of things described in Mr Pattison's *Essay on the Theology of the Sixty Years succeeding the Revolution*.<sup>\*</sup> Those who founded the Presbyterian denomination with such warnings before their eyes, were not likely to trust to any formula of doctrine nor, when subscription had been the engine by which they had been torn from their flocks, would they be inclined to use it as the bond of their infant communion. They accepted any confession which assured them that the persons ordained really held the faith once delivered to the saints. On the other hand, the Scotch Presbyterians hastened to adopt the Episcopalian way; but they did not find that it secured the ascendancy of Calvinistical or indeed of Evangelical doctrines. The Synod of Ulster contented itself with reiterating, and securing from repeal, laws enjoining the subscription of the Confession, under the tacit condition of their not being put in practice. Both churches have been for the most part won back in our day to the faith which they have all along professed; but the English congregations still bearing the name of Presbyterian had become entirely Socinian before the time of revival came. The Evangelical parties in Scotland and Ireland both trust to the subscription of the Confession, and the disuse of it cuts off the subscribing churches from all real communion with non-subscribing ones, for like almost all the rest of Christendom they do not see that while adherence to a standard is matter of principle, subscription to it is only a means to secure that end, and, as it has so often proved, an ineffectual and a dangerous means.

The heads of English Presbyterianism were no doubt consulted beforehand on the subscription demanded by the Toleration Act, and the references left by some of them as to their own compliance with the requirement, do not display any sense of its hardship. The objection to the subscription, which the bill for repeal of the Schism Act threatened, was that it affected laymen, and the proposal was, on opposition, abandoned; but its authors seem to have expected the support of the Dissenters, though Lord Barrington happily persuaded them to the contrary. It is however evident that subscribing the national creed for the purpose of escaping the operation of a persecuting statute or the discipline of the state church, is a very different matter from subscribing articles of faith on joining or taking office in an unestablished communion.

It has not been shown that any Presbyterian, before 1717, declared from the press any objection to the use of a Confession as the basis

<sup>\*</sup> It is to be noticed, that only one Nonconformist author is quoted in that essay, but it exhibits a just picture of the non-Calvinists whom the degenerate Presbyterians joined, and an extract from it is prefixed to this volume in order that it may be borne in mind how evil the days were in which heterodoxy obtained a permanent establishment in England.



of church membership, or of an Association of Churches, but the fact remains of the non-use of any such. The members of the Belfast Society might have before that time discussed, and even denounced among themselves, the general principle involved in the use of formulas, but their first manifesto against it was Mr Abernethy's sermon, preached in Dec. 1719, and printed subsequently.

The Confession of the Assembly seems never to have been formally recognized by the English Presbyterians after the Revolution as their peculiar symbol or formula, although its doctrines were held by them. The Directory does not require a minister at his ordination to subscribe the confession, or even to declare his adhesion to it, but directs that he shall undergo an examination evidently intended to be most searching. The examination thus enjoined implies a standard governing the examiners and appealed to by them; but perhaps subscription to the Confession was not required, lest it might in time be a pretext for reducing the examination to a nullity. It is not to be supposed that the Assembly were indifferent to any point or any phrase of their confession, or that they thought it necessary to express that the body for whom they legislated should use it as their standard of doctrine in all respects and on all occasions; and there is no doubt it was referred to as representing, and forming, the opinions of the next two generations of Presbyterians, unless as it might be superseded by the Assembly's own Catechism, which was in more constant and familiar use. The Confession was not however of exclusive or paramount authority. Dr. Williams does not refer to it in his description of Presbyterian ordination. The founders of the Happy Union proclaimed their agreement with it, but also with the Savoy Confession and the Anglican Articles; and the country ministers when they formed their Associations seem to have followed the example. This reference to three standards which, however similar, display differences, capable of being magnified indefinitely by parties who found them shackles, proves that they were intended as declarations and not as tests. The Western Assembly required subscription of the doctrinal articles of the Establishment, and the trust deeds of many chapels also made them their standard, but this selection was no doubt dictated by fear or policy, not by preference. Some few churches drew up articles or a confession for themselves. Mr Howe and Mr Lowman both speak of new summaries of doctrine being prepared in their times by individuals, apparently as terms or conditions of union.

It is trusted that the reader will see that on the one hand every distinctive peculiarity of Presbyterianism specified by the Scotch defendants in the *A.G. v. Wilson* was wanting in the English Presbyterians, and that on the other in every such particular as well as in every point

of doctrine, the Independents of the nineteenth century exhibit a similarity to them but little short of identity, strictness as to membership in the one body and laxity respecting it in the other nearly effacing all differences between them.

The relators' evidence in the *A.G. v. Wilson* contains particular accounts of many of the old chapels, and shews that those at Hallfold, Nuttall, Windle, Horwich, Wigan, Risley, Tunley, Plumptton, Penruddock, Whitehaven, Meallingsriggin, Stamfordham, Swalwell, Stockton-on-Tees, Wallsend, Branton and Morpeth, were formerly in the hands of Independents, and inferentially it discloses that such was the case with others. They were one by one carried over to one or other of the Scotch denominations, by their ministers laying their plans and waiting their opportunities; but those at Hallfold, Nuttall, Whitehaven, Penruddock, and Carlisle, were gained by barefaced violence, and sad narratives are given of the scenes they presented. The earliest minute book of the Northumberland Presbytery does not go further back than 1750, but the defendants' evidence imported that it exhibited Presbyterianism in that year in regular operation; if such had been the case, the proof of it could have been supplied from the Synod's records. We have full accounts of one Presbyterian congregation which appears to have exercised great influence over, not only the congregations in its own county, but those in the adjoining ones, that late of Hanover Square Newcastle, the scene of Dr. Gilpin's and Benjamin Bennett's labours, now Socinian, and it is certain that it never was connected with any Presbytery. Whitehaven is rendered an important instance by the academy of Dr. Dickson, which was situated there; the chapel there was Independent until the Seceders forcibly possessed themselves of it within this century. The trust deed is in favour of Presbyterians and Congregationalists equally. Dr. Rotheram's\*

\* The Arianism of Dr. Rotheram was too easily admitted by Mr Hadfield, see p. 129 *supra*, for the statement in the Proofs on the point is as follows, p. 120: "Two short quotations more may be added, which plainly show that Dr. Rotheram was no orthodox minister, but one of those who rejected all the extreme doctrines of orthodoxy, and probably also the doctrine of the Trinity itself, on any recognized explication of it. 'It would be indeed strange [says Mr Daye, of Lancaster, one of the doctor's pupils, in his funeral sermon to the Kendal congregation in 1752], if the most perfect harmony had not subsisted between you and your worthy pastor, while learning was so well applied, and religion rationally set forth to the pious and judicious.' Again, 'As a Protestant Dissenter he was a credit to his profession, for he was a friend, a faithful friend, to liberty, the distinguishing principle of that profession.'" The reader will doubt whether this can be all the proof which is produced of the doctor's heterodoxy, but this extract is a fair sample of the reasoning of the Proofs, and it is upon no better evidence than this that other ministers are claimed by the Socinian party.

The chapel at Kendal is richly endowed, but it is with difficulty a congregation sufficient to carry on the service is maintained. This state of affairs is a matter of course if Presbyterianism was such in the north as it was in the rest of England, but no one has given us the history of any system really Presbyterian, which lost without a struggle such chapels as those of Newcastle and Kendal.

academy was at Kendal, and the congregation there is now Socinian. These were the influential places, and all circumstances connected with them are well known. Our ignorance as to smaller congregations cannot avail to bring the general state of things into doubt ; for they must have gone with Newcastle, Kendal, and Whitehaven. It is clear that the Class of Cumberland and Westmoreland was a mere Association. The extract from Mr Dodson's sermon at p. 98 is conclusive on the matter. No attempt has been made to explain how the northern chapels fell off from Presbyterianism, or orthodoxy, when really governed by a Presbytery ; nor was any instance given of an English Presbytery joining a Scotch denomination, which must, if it had ever taken place, been a matter of notoriety, and would have been recorded in the books of the Synod. All the congregations, one after another, joined Presbyteries either of the Kirkmen or Seceders, and there would have been no reason for their doing so if they had been previously in connection with an English one. There will not be found in the north, any more than in the south, any facts to support the rights of Scotch denominations to the old Presbyterian chapels ; their occupation of them will, in all cases, prove to be modern, and all arguments in their favour will, upon examination, dwindle down to the use of the word Presbyterian, which south of the Tweed will be found to have denoted anything but real Presbyterianism.

It may be admitted that some of the northern congregations founded by the English Presbyterians retained, before they joined the Presbyteries with which they are now connected, the name of "elders," but the persons so styled were either deacons of the Independent model, or if not such, were anything rather than Church Officers, since they had no share in the admission or supervision of the communicants, all discipline having been laid aside in the communities there as in the south. It may be difficult to verify this now, but the use of the word does not afford the slightest proof that there were in those congregations Kirk Sessions with real power, after the likeness of things beyond the Tweed. This caution will not be thought needlessly reiterated by those who know how entirely the arguments of the Scottish litigants were founded on names and words, without enquiring into the things or notions which they really represented. But as already observed, the most strict discipline administered by minister and elders was not of itself sufficient to render a congregation Presbyterian, if several like communities existed in the district without uniting themselves into a Presbytery ; for they would exhibit, and indeed must, from the fact of this non-union, have intentionally preserved, that self-government which is so far the chief characteristic of the Independents, as to have given them their name. On the other hand, a Christian society uniting to the necessary condi-

tions of soundness in the faith, and purity of fellowship, the specific distinction of freedom from external control or interference, might justly claim to be ranked among Independent churches, notwithstanding their delegation to some of their number of powers which other bodies bearing that name have always retained as their most sacred franchises and liberties. A similar delegation is most advantageously practised in many churches as to exclusion, by the appointment of a discipline committee for each case as it arises, or for all the cases occurring within a certain period of time; and admissions in most churches may be considered as practically left to the minister, with the like good result. The Independents have always regarded their self-government as having maintained their two other characteristics just referred to; and in both the anomalous cases under consideration it is evident that the select body, although in theory governing, would defer to the general opinion of the community,

Now that Presbyterians are freed from the influence of their fancied interest in the question, they will no longer see in their English namesakes of the time of the Revolution, the counterparts of themselves, and they will become anxious to save their church polity from the reproach, originated only by ignorance, of having in England failed to preserve the faith. When they recognize the true state of the case, they will no longer think it necessary, as if in self-defence, to transfer the stigma by showing that their congregations were Independent when they lapsed into heterodoxy, for they will be aware that the discipline and government of the English Presbyterians were the same throughout the whole period of their existence, and that to say that they were ultimately Independent, is to admit that they were never Presbyterian, but always congregational, and in fact to concede one point which this volume has been written to maintain, that the practice of the present congregationalists more nearly than that of any other body resembles the system of Heywood and Calamy, and their fellows of the earlier and later portions of the chapel-building age. The congregationalist body, for its part, will always rebut the charge of having produced the apostasy, for it was shared only by a few of their congregations which, although they retained the name of Independents, adopted from their neighbours, as incorrectly calling themselves Presbyterians, the utter abandonment of the discipline essential to the existence of a true congregational church, and what was still worse the devolution on the seatholders of the powers which principle and experience unite to show can be exercised to any good result by the communicants only.

## ERRATA.

- 
- p. iii, l. 5 from bottom, for *obtained* read *gleaned*.  
 p. iv, l. 2 from bottom, for *all* read *each*.  
 p. vii, l. 5 from bottom, insert at beginning *experts in ecclesiastical history*; dele *as they*. Next line, for *referred to* read *used*.  
 p. viii, l. 15, for *even* read *also*.  
 p. xiv, l. 15, dele *kindly*.  
 „ l. 5 from bottom, before *adviser* insert *nonprofessional*.  
 p. 18, l. 11 from bottom, for *Matthew* read *Samuel*.  
 p. 25 and other pages, for *Pinner's*, *Salter's*, read *Pinnars'*, *Salters'*.  
 p. 28, l. 10, for *Dickinfield* read *Dukenfield*.  
 p. 26, l. 21, for *Hale* read *Hall*.  
 p. 27, l. 24, for *thinking* read *think*.  
 p. 28, l. 13, for *associations* read *connexions*.  
 p. 34, l. 19 from bottom, for *Gill* read *Evans*.  
 p. 49, l. 13, before *appealed to* insert *he was*.  
 p. 54, l. 8 from bottom, for *is* read *seems*.  
 p. 56, l. 3, for *its* read *their*. l. 5, for *it* read *they*.  
 p. 61, l. 8, before *always* insert *the latter*.  
 p. 61, l. 5 from bottom, for *congregations* read *congregation*.  
 p. 63, l. 2, for *Norwich* read *Horwich*.  
 p. 72, l. 6, for *principles* read *principle*.  
 „ l. 20, for *Harl* read *Hare*.  
 „ l. 25, transpose ] to follow 262.  
 p. 75, l. 22, for *says* read *is made to say*.  
 p. 81, l. 12, for *there* read *then*.  
 p. 84, l. 5 and elsewhere, for *Moreton* read *Morton*.  
 p. 97, l. 3 from bottom, for *John* read *Joseph*.  
 p. 98, l. 23, for *added* read *said*.  
 p. 120, l. 2, for *technically* read *technicality*.  
 p. 129, l. 14, for *Samuel Leetham* read *Lemuel Latham*.  
 „ l. 23, for *Louthion* read *Lowthion*.
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- p. 141, l. 3 from bottom, for *Craydon* read *Cranulon*.  
 p. 142, l. 1, for *Reliquæ* read *Reliquiæ*.  
 p. 167, l. 6, for 248 read 235.  
 p. 173, end of line 17, insert *a*.  
 p. 176, l. 9, for *preached* read *printed*.  
 p. 179, l. 9 from bottom, after *Howe* insert *pertain*.  
 p. 193, ll. 2 and 3 after *attendants*, and *obtained* insert ?  
 p. 195, l. 11 from bottom, for *interests* read *interest*.  
 p. 199, l. 9, for *to* read *of*.  
 „ l. 16 from bottom, for *should not be* read *is not*.  
 p. 201, l. 3 of note, for *son* read *ward and pupil*.  
 p. 204, l. 4 from bottom, for *has* read *had*.  
 p. 210, l. 20 from bottom, for 1820 read 1720.  
 „ l. 3 of note, for *district* read *districts*.  
 Next line but one, after *door* insert *on*.  
 p. 215, l. 17, after *years* insert *possession*.  
 p. 217, l. 6, for *temporarily* read *temperately*.  
 p. 218, l. 8 of note, for *colleague* read *colleague*.  
 „ next line but two, for *professing* read *possessing*.  
 p. 219, last l. but 4, for *Winter* read *Wontner*.  
 p. 220, l. 5 from bottom, after *decree* insert *obtained*.  
 p. 239, l. 2 of note, for *be related* read *relate*.  
 p. 240, l. 5, for *Houseman* read *Horseman*.  
 p. 242, l. 9, for *of* read *in*.  
 p. 242, l. 21, for 10 read 20.  
 p. 249, l. 1, for *James* read *John*.  
 p. 251, l. 5 from bottom, for *Hadley* read *Hadfield*.  
 p. 270, omit lines 10 and 9 from bottom.  
 p. 274, l. 15 from bottom, for 1789 read 1799.  
 p. 282, l. 2, and p. 284, l. 2 from bottom, for *Darbyshire* read  
*Darbishire*.  
 p. 328, l. 13 from bottom, for *done* read *made*.  
 „ l. 9 from bottom, for *practised* read *hastened*.  
 „ next line for *affirmation* read *affirmance*.  
 p. 345, l. 9 from bottom, for *volice* read *voluit*.  
 p. 378, l. 8 and elsewhere, for *Boyce* read *Boysa*.  
 p. 389, l. 7 from bottom, for *members* read *ministers*.  
 „ next line but two, for *Dunmurray* read *Dunmurry*.

p. 425, l. 8 from bottom and elsewhere, for *Killinchey* read *Killinchy*.

p. 426, l. 14, for *Walser* read *Watson*.

p. 433, l. 14, for *plaintiffs* read *defendants*.

p. 434, last line, for *Abraham* read *Arthur*.

p. 451, l. 12 from bottom, for *from* read *for*.

p. 481, l. 6 from bottom, for *be tried* read *come on*.

p. 485, l. 7, and last line, for *Glendy* read *Glendie*.

p. 493, l. 16, for *such* read *so*.

p. 494, l. 15 from bottom, for *none* read *no one*.

p. 495, l. 9, before *if* insert *nor*.

„ next line but one, for *gathered* read *to join*.

„ last line, for *however* read *moreover*.

p. 497, l. 7, for *considered* read *safely averred*.

p. 501, l. 16 from bottom, for *these* read *those*.

p. 502, l. 8, for *founders'* read *a founder's*.

p. 504, l. 2, before *confined* insert *in words*.

„ ll. 6 and 7, for *that case* read *it*.

p. 505, l. 3, for *his Lordship* read *he*.

„ l. 22, before *receivership* insert *the*.

p. 508, l. 21, dele *and*.

p. 512, l. 29 from bottom, for *Presbyterians* read *Presbyterianism*.

p. 514, l. 13 from bottom, for *perfect* read *supreme*.

p. 523, l. 20, for *may* read *cannot*.

p. 528, l. 3 from bottom, for *but* read *so much as*.

p. 536, l. 8 from bottom, for *there* read *then*.

p. 553, l. 15, for *Wilson v. Shore* read *Shore v. Wilson*.

p. 561, l. 14 from bottom, after *charity* insert *or the General Fund*.

p. 562, l. 2, for *expressly* read *carefully*.

„ l. 3, for *expressly* read *unquestionably*.

p. 582, last line but 6, before *holding* insert *in Scotland*.

p. 583, l. 17 from bottom, dele *it*.

p. 586, l. 20 from bottom, for *son* read *nephew*.

p. 588, l. 5 from bottom, for *great* read *grave*.

p. 631, l. 20, instead of *each set of Presbyterians two* read *the Presbyterians three*.

p. 633, 1st line, for *any* read *such*.

p. 634, l. 10, for *as* read *for*.

- p. 635, l. 15 from bottom, for *was* read *is*.  
 p. 636, l. 18, for *veritas* read *unitas*.  
 p. 637, l. 6, for *permit* read *pervert*.  
 p. 644, l. 10, transfer *county or borough* to next line after *voters*.  
 p. 647, l. 19, for *explained* read *remarked*.  
 p. 648, l. 6, before *about* insert *in*.  
 p. 654, line 11, for Penryn read *Penryn*.  
 „ 17, for PENZANCE read *Penzance*.  
 „ 7 „ for Keswick read *Keswick*.  
 „ 2 „ for Blenerhasset read *Blenerhasset*.  
 p. 655, l. 9, before *chapels* insert *old*.  
 „ l. 19, for *Haywood* read *Heywood*.  
 „ l. 24, (Melburn), add at end [now Baptist].  
 „ l. 9 from bottom, for Chalsworth read *Chalsworth*.  
 „ l. 7 „ for Ashford read *ASHFORD*.  
 p. 656, l. 5, for Alfreton read *Alfreton*.  
 p. 657, l. 15 from bottom, for Bear read *Bear*.  
 p. 661, l. 7, for *Lanchline* read *Lauchline*.  
 „ l. 21, for GLOUCESTER read *Gloucester*.  
 p. 662, l. 10 from bottom, for *Sharman* read *Sherman*.  
 „ l. 8 from bottom, for Box Lane read *Box Lane*.  
 p. 663, l. 14, dele J.  
 p. 664, l. 5, (Goudhurst), add [extinct].  
 „ l. 7, (Tonbridge Wells), add [new chapel built].  
 „ l. 10, for Woolwich read **Woolwich**.  
 p. 665, l. 3, for Ashton or Parklane read *Ashton or Parklane*.  
 p. 667, l. 10, for *Brickhell* read *Brekell*.  
 p. 668, last line, for *Bond* read *Broad*.  
 p. 670, l. 10, for *Deadman's Place* read *Maid Lane*.  
 „ last line but 3, for **Hampstead** read **HAMPSTEAD**.  
 p. 676, l. 15 from bottom, for *Aason* read *Aaron*.  
 „ l. 17 from bottom, for *Ayerigg* read *Ayerigg*.  
 „ l. 18 from bottom, for Lambrook read *Lambrook*.  
 p. 677, l. 9 from bottom, for Winchester read *Winchester*.  
 p. 679, last line but one, for *Narton* read *Norton*.  
 p. 681, l. 16 from bottom, transpose words between [ ] to follow  
 Pickard, l. 12 from bottom.  
 p. 682, for Russendale read *Russendale*.



- p. 683, l. 7 from bottom, for York read YORK.  
 „ l. 6 „ for Knaresborough read *Knaresborough*.  
 p. 684, l. 9, for Pudsey read *Pudsey*.  
 p. 684, l. 11, for Eland read ELAND.  
 „ l. 12, for Bradford Dale read BRADFORD DALE.  
 „ l. 13, for Winterburn read *Winterburn*.  
 „ l. 17, for Worsley read *Warley*.  
 „ l. 22, for Hepton read *Hopton*.  
 „ l. 31, for Rotherham read ROTHERHAM. M. William Wil-  
 son. 100.  
 „ l. 10 from bottom, for Kingston-upon-Hull read KINGSTON-  
 UPON-HULL.  
 „ „ „ for *Witter* read *Witter*.  
 [Extinct] should be added to the entries of Barnsley, Greenhill  
 (if the same as Greenbow Hill), Long Houghton, Tadcaster,  
 Clifford, Rathmell, Light Cliff, Garsdale and, next page,  
 Ottringham.  
 p. 685, l. 2, for *Mallescriff* read *Mallison*.  
 „ l. 8, for Swaledale read *Swaledale*.  
 „ l. 9, for Ellenthorp read *Ellenthorp*.  
 „ l. 10, for Ayton read *Ayton*.  
 p. 687, l. 8, after *wrongly* insert *stated*, for *as being* read *to be*.  
 „ l. 13 from bottom for *passion* read *passim*.  
 p. 690, l. 1, after *Gainsborough* insert *Ambrose Rudsdale*.  
 p. 692, l. 14 from bottom, transpose Northumberland to follow  
 Rusden.  
 p. 695, l. 20, add at end *this chapel appears to have been originally*  
*Presbyterian*.  
 p. 696, l. 8, before *Board* insert *Fund*.  
 p. 702, l. 16 from bottom, for *least* read *lest*.  
 p. 705, l. 9 from bottom, (Gale), for *P.* read *G.B.*  
 p. 706, dele *or Beaconsfield*.  
 p. 707, l. 16 from bottom, (Beaumont), for *P.* read *I.*  
 p. 711, l. 5 from bottom, after *Tunbridge* insert *Wells*.  
 p. 715, l. 15 from bottom, for *Mile* read *Mill*.  
 p. 717, l. 14 from bottom, before *all* insert *are*.  
 p. 720, l. 22, for *Cook* read *Cock*.  
 p. 722, l. 12 from bottom, for *communions* read *communion*.

- p. 723, l. 18, add ] at end of paragraph.
- „ l. 26, for *extract* read *original list*.
- p. 724, l. 15 from bottom, after *us* insert *to*.
- p. 730, l. 15, insert [at beginning of paragraph.
- p. 732, l. 9 from end, for *admitted* read *conceded*.
- p. 741, l. 15 from bottom, for *P.* read *B.*
- p. 768, l. 3, for *petition* read *petitions*.
- p. 769, l. 2 from bottom, before *commenced* insert *which*.
- p. 783, l. 13 from bottom, after *told* insert *truly*.
- p. 784, l. 12 from bottom, dele *own*.
- p. 785, l. 6, before *which* insert *most of*.
- p. 799, l. 13 from bottom, insert *Dr. Jabez Earle died 1768*.
- p. 799, l. 8 from bottom, insert *Dr. William Paley, Archdeacon of Carlisle, 1743—1805*.
- „ l. 6 from bottom, insert *the time of the death of the Rev. William Baker, quoted p. 71, has not been met with*.
- p. 818, l. 2 from bottom, after *Cork* add *Fermoy*.
- And still the list may be incomp'ete.*

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## ADDENDUM.



AN answer to this Volume has been published under the title of "Uniformity and Liberty," by the Rev. John Gordon of Evesham, and as he was very prominent among the applicants for the Act of 1844, and is a leading writer of his party, his pamphlet should be consulted in order to ascertain all that can be said against the Judges' decisions reprinted in the foregoing pages, and in favour of those decisions having been contravened to such an extent by the legislature.

Mr Gordon refers to the Wolverhampton suit, (but does not state it correctly), and seeks to revive against the ministers who connected themselves with it, especially Mr James, the old reproach that the relators' counsel rested their case on the illegality of Unitarian preaching at Common Law and under the Toleration Act. The proceedings are easily justified so far as the ministers were concerned with them: for the bill was filed because the deeds were kept back from Mr Mander, although one of the trustees; and the injunction was obtained because Mr Pearson, from mere litigiousness, brought an ejectment, a proceeding in which none of the real questions in the case could be raised. The ministers in their defence of themselves, published at the time of Mr Robertson's attack on them, stated, "We have carefully read the brief which was put into the hands of Sir Samuel Romilly and Messrs. Hart and Shadwell, and we can assure the public that there is not in it one iota of a persecuting nature, there is no suing the judgment of the court against the Unitarians as the abettors of illegal opinions, and as persons disqualified by the common law for holding property set apart for religious purposes. . . . No man can be identified with anything more than the brief which he puts into the hands of his counsel, and the arguments which from the nature of the case are absolutely necessary for its support." They referred to Sir Samuel Romilly's known hatred of bigotry, persecution, and injustice in every shape, as sufficient to prevent the suggestion to him of any unworthy argument; but they reminded their readers that he was not to be controlled as to the line of reasoning which he might choose to adopt. They also relied on the circumstance of the relators having for their solicitor Mr John Wilks, the Secretary of the Society for the Protection of Religious

Liberty, as a proof that all their wishes and instructions were in perfect consonance with freedom of opinion and the rights of conscience. This defence anticipated, and should have prevented, all that Mr Gordon has found to say on this part of the subject.

The whole question as to the chapels was disposed of by the Wolverhampton case, and this opportunity is taken to supply an omission in the foregoing pages, by presenting a condensed statement of the general argument. The decision of Lord Cottenham was based not on the illegality of anti-Trinitarian worship, but on the fact that the deeds showed that the founders did not intend to establish it ; one deed, of 1701, providing for the appropriation of the chapel if the worship became illegal ; and another, of 1720, for the application of the endowment if the Toleration Act should be repealed. Both expressions equally pointed to the provisions of that statute, and to the possibility of change in them ; and as the chapel, while it remained such, could not, according to those provisions, be used for any other than Trinitarian worship, his lordship held that the founders, by their reference to the law, must have intended that worship. The words which they used accepted the established state of things, and declared trusts of the chapel with reference to it. Common sense dictated this decision, as well as legal reasoning, which is the common sense of minds having to decide or assist in the decision of the rights of civilized life. This construction is borne out by the fact, admitted on all hands, that in 1701 there was not in England a single congregation of anti-trinitarians. Emlyn afterwards raised one, but it appears to have died out by 1720. It was not even suggested that there was any reason to suppose that any member of the Wolverhampton congregation was anti-trinitarian in the latter year. The Toleration Act was then borne in the minds of Nonconformists as their *Magna Charta* ; it was in danger in Anne's time, and all their care was to preserve it as it was. There is no doubt that the heads of the Presbyterian party in 1689 were consulted with respect to it beforehand, and were well satisfied with it ; and that the exception of anti-trinitarians from its benefits was perfectly in accordance with their notions of right and wrong. See Lord Lyndhurst's expressions, p. 314, see also as to the Blasphemy Act, p. 106. This fact disposes of all the liberality of opinion attributed to that generation of Presbyterians ; and the Socinians\*

\* This name is retained, notwithstanding the anger with which it has been received, for doctrines are dealt with here, and all doctrinal differences are necessarily thus marked. Each sect otherwise would choose for itself a name assuming the point in dispute with it ; the Papist calls his church Catholic, and the name stands him in stead of argument ; the Greek styles his church Orthodox ; "Baptist" speaks for itself ;

could not complain of the Toleration Act as a persecuting law, without putting themselves out of court as to their right to the benefit of any Presbyterian foundation. It is believed that, with very few exceptions indeed, the deeds of all the old Presbyterian chapels contain similar allusions to the state of the law, and therefore equally express that the founders intended to support Trinitarianism; hence the case of *A.G. v. Pearson* is always misrepresented by Socinians. Lord Cottenham's note, p. 225, cannot however be explained away. He was their fast friend, having been their counsel at two hearings of the *Hewley* case, and he contended in the debates of 1844 that in all cases in which founders did not in their deeds specify doctrines they must have held illegal opinions; a notion which the Socinian party never dared to suggest, and which was negatived by their explicit admissions; but, partisan as he was, he did not venture to say that he had been compelled to adjudicate on the Wolverhampton chapel contrary to the founders' intentions. See on the contrary p. 829 for what he said to the Dublin Presbyterians of 1710, who it was admitted were a branch of the English body.

The words "Presbyterians" or "Protestant Dissenters" also occur in *almost all the old deeds*, but they are unavailing to exempt chapels from the operation of the act, notwithstanding the House of Lords has decided that they indicated Trinitarians, in England up to 1707 (the *Hewley* case), and in Ireland up to 1710 (the *Dublin General Fund* case). Those years were the dates of the endowments in litigation, and not the limits of the time during which the words had this meaning, but they are sufficient for the purposes of the preceding volume as nearly corresponding with the end of the chapel-building period.

Mr Gordon states that the opinions of the Judges in the *Hewley* case, which governed the *A.G. v. Pearson*, really turned upon the provisions of the Toleration Act, but any one who will read their opinions in the ninth volume of Clark and Finelly's Reports will see that they relied upon the universal belief of the Presbyterians in *Lady Hewley's* time, as shown by all their sermons, treatises, memoirs, and other writings. Indeed this was admitted, see p. 177. The nature of Lord Cottenham's judgment was remarked on at p. 363, and the reader was

Unitarians by their name quietly assume that no other Christians believe in the unity of the Godhead. It is scarcely reasonable to refuse the name Socinian, which was derived from one of the early Reformers, and was adopted by the body in Poland, where first they formed congregations. The Sozzini were respectable men, and even if they retained too much of the old superstition, their opinions were sufficiently free to gain them the distinction of giving their name to all persons not recognising the proper Deity of Christ. The defendants in the *Hewley* case used Calvinist, p. 26, and oddly enough seemed to consider it as synonymous with Independent.

left to interpret it for himself. All evidence to show Lady Hewley's opinions otherwise than as one of the Presbyterian body seems to have been rejected, as also was the evidence of theological experts, (as to which see note p. vii), but books of the chapel building period were received without being given in evidence, as matters with which the Judges were supposed to be familiar; see Lord St Leonard's expressions p. 441, and the remarks of Lords Cottenham, Brougham, and Campbell in the General Fund case in 1849, p. 829. Mr Gordon thinks that "the evidence of Trinitarian worship drawn from the toleration act will in future be rejected, and the proof will thereby be so far lessened as to be practically unavailable," because as he adds, "the intentions of a denomination, which never in any corporate form declared its intentions, cannot be ascertained when the testimony of individual opinion is excluded." This is entirely to misunderstand the effect of the cases and of the act. Lord Cottenham founded his judgment in *Shore v. Wilson* on evidence properly admitted, and the same evidence was given in *A.G. v. Pearson*. The only effect of the Act as to the old chapels is to give validity to twenty-five years' usage in the cases provided for; it leaves the rules of evidence and construction undisturbed, except as the first section prevents the illegality of Anti-Trinitarian worship before 1813 from affecting chapels built by persons *proved to have been* of Anti-Trinitarian opinions.

The principle maintained by the relators in the *A.G. v. Pearson*, was that the intentions of the founders of a chapel, if *anywise* ascertainable, should be carried out; and the point decided by it was that these intentions if manifested *by the deed* would be enforced by law. This principle was never more broadly stated than by Lord Lyndhurst in the *Hewley* case, p. 311. "In every case of charity it is the duty of the court to give effect to the intent of the founders. . . . It is a matter of fact. It can scarcely be necessary to cite authorities in support of these principles, they are founded in common sense and common justice. . . . I look upon it that these principles are clear and established, that they admit of no doubt whatever."

English charities from the Revolution until the Mortmain Act (9th George 2nd) were regulated by the Statute of Charitable Uses (43rd Elizabeth), which was always construed with the special view to avoid the evil stated in the preamble, that "lands etc. have not been employed according to the charitable intent of the givers." Puritan foundations in connection with the Establishment, as for the support of a preaching minister or a lecturer, had before 1688 been upheld by Chancery in accordance with the statute; and while misappropriation by

beneficiaries had been prevented, applications *cy pres*, that is to a kindred object on failure of the original purpose, had been frequent. The Presbyterians of the chapel-building period might therefore leave their chapels to the protection of the law, notwithstanding the general and indefinite expressions of their trust deeds, in perfect confidence that they would always be devoted to promote their own faith. The change of their ecclesiastical system for that of the Independents, (the effect of which is stated pp. 59, 512, and would not affect the worship,) would, after the union of the denominations throughout the country, take place, for want of persons to support the old state of things, when the congregation desired "church government," in Milton's phrase; and it received the sanction of the courts of law in Lord Mansfield's time, according to the equitable doctrine, p. 802. Equity would have decided such cases more satisfactorily, but the cost would have been too great.\*

If the Common Law Judges consulted in the *Hewley* case had been accustomed to carry out trusts *cy pres*, they would not have applied the rules of evidence so as to shut out the preamble of the founder's will in executing a vague trust for religious charity, but would have been glad to establish the admissibility of any such evidence of his opinions, in order to guide a court in the exercise of a duty so anxious and onerous as giving effect to his intentions under a change of circumstances. According to their notions, Dr. Daniel Williams's treatises supporting Calvinism against Antinomianism, or his sermon at the ordination of Samuel Clark, could not be referred to in order to ascertain the Presbyterianism which his will was intended to support.

The act of 1844 set aside founders' intentions, even where manifested by their deeds, as in the *Wolverhampton* case, unless particular doctrines are on the face of those deeds, in express words, or by reference to some book or other documents, required or forbidden to be taught. This effect of the bill, and the provisions of the old chapel deeds above adverted to, were not brought before the consideration of either House of Parliament; nor indeed were the details of the *Wolverhampton* case alluded to in the debates, though it was the only one relating to an English chapel. The *Hewley* case, as to which the act would in no case have had any operation, was enlarged on, and shamefully misrepresented, by Lord Lyndhurst; and the endowments of the Dublin chapels (for a prudent

\* It was urged as an argument for the bill of 1844 that a suit was necessary to determine the right occupation of each chapel, and that all the chapels must have been sold, like that at *Wolverhampton*, to pay costs. This was conclusive against the principle of a period of limitation in such a state of the law. Parliament should, at any rate, have provided a cheap method of redress, for a reasonable time, before they confirmed the title of wrongful possessors.

silence was preserved as to the chapels themselves), or rather those of the Strand Street chapel, the facts of which had never been ascertained by a hearing, were the themes of almost every speaker.

Lord Lyndhurst, p. 315, showed that the admissions which the defendants in the Hewley case felt themselves compelled to make were conclusive against them; and it will be equally found that his own judgment disposes of all that he or others said in the debates in support of the bill. Nevertheless, Parliament being misinformed and careless, the fraud and falsehood of the government triumphed, but only to pass an act self-convicted of injustice and absurdity, inasmuch as it set aside founders' doctrines (judicially ascertained as to the whole Presbyterian body), in order that chancery might extract a creed for each chapel separately, from the last twenty-five years' usage of the congregation.

The rule as to the inviolability of founders' intentions was not indeed disputed *in the courts*, whether English or Irish, but the Anti-Trinitarians contended that the Presbyterians in either country did not intend to devote their chapels to their own opinions.

The position of the Socinians stated in p. 49 is not acquiesced in by Mr Gordon, but it is supported by the sentence from the Proofs quoted p. 70, by the passages collected at p. 554 from the statements of the Socinian defendants in the several cases, and by Mr Hincks's evidence, p. 283; and it appears from the remarks of Baron Alderson, pp. 309, 310, Lord Lyndhurst, p. 318, and Justice Coleridge, p. 354, that it was insisted on with regard to Lady Hewley, on the sole ground of her being a Presbyterian. It will also be found to underlie all the reasoning by or on behalf of the Anti-Trinitarians noticed in the preceding volume, and it is in fact the only possible foundation, without an express stipulation in the trust deed, for a congregation having such a power over a chapel as is contended for.

If however we may adopt the admission (made in the appeal case of the Hewley trustees, p. 206) that the Presbyterians of the Revolution did not look with indifference on views of Christian truth opposed to their own, but embraced and adhered to their principles with as much warmth and sincerity as other classes of Christians, common readers (agreeing with Lord St. Leonards, p. 451) will not believe that it is in accordance with their intentions that their pulpits are now filled by Socinians. Certainly such a state of things would not have comported with the purposes of Baxter, who in 1683 held that the doctrine of the Trinity was the sum of all the Christian religion p. 148; of Calamy, who in 1719 held that the sum of Christian doctrine might be reduced to it p. 159; or of the Non-subscribers at Salters' Hall in 1719, who held that it lay at the foun-



dation of Christianity, and ran through the whole of it, p. 113 ; yet Baxter and Calamy, of all Presbyterian authors, were those most frequently quoted on the Socinians' side, as if most favourable to their cause ;\* and the Non-subscribers have always been treated by them as their great forefathers.

But those we have to contend with do not reason like other men, and they give these three reasons why they consider themselves rightly in possession of the old chapels : (1) that the Presbyterians did not prescribe any doctrines in their trust deeds ; (2) that they did not practise subscription to any formula of faith ; (3) that they did not require from the members of their churches any confession of faith such as that common among the Independents. Such arguments seem certainly disposed of by the facts that the Independents of the same period, who are admitted to have been zealous for the old faith, and to have taken all precautions which seemed to them necessary for guarding it, neither (1) prescribed doctrines by their trust deeds, nor (2) provided for subscription of any formula by their ministers or church members : and (3) that a confession of faith has never been taken from communicants by Presbyterians even in Scotland. The precaution which the English Presbyterians, who devolved all on their ministers, did take was to require from them previously to their ordination an affirmative answer to the question : Do you promise you will be zealous and faithful in the defence of faith and unity against error and schism ?

The early Chapel deeds were necessarily vague. Of the faith there was no question, for with the exception of a few scattered individuals all parties held the doctrinal Articles of the Establishment, and outside the Anglican communion there was no doubt of their Calvinistic meaning. Until after Anne's death only one attempt was made to establish worship not according to the creed of the Establishment, and that produced a remonstrance from the lower house of Convocation to the Queen. The objection to subscription in Geneva and Holland, at and previously to the beginning of the eighteenth century, had reference to Calvinism, not to the doctrine of the Trinity. Mr Halliday, licensed in Holland in

\* Quotations by heterodox writers from such authors never serve the purpose intended, for there will be found either in the very words cited, or if not in them in the context, expressions subversive of the argument in support of which they are adduced ; or the citations will prove to be unguarded references or allusions in direct opposition to writings of the parties in which they dealt directly with the subject. Such are the quotations in the Proofs, reprinted and commented upon, (pp. 64 to 213), and Mr Gordon's additions to them will not be found more conclusive. The Non-subscribers' vote is fully explained at p. 530.

1706, and ordained in Geneva in 1708, was admitted to a seat in the Synod of Ulster in 1720 without subscription, on the ground of his undoubted orthodoxy. Nor was there any occasion to define discipline: the Presbyterians had none to define; and in the case of Independents it was enough to say that the minister should be chosen, with perhaps the addition that he should be removable, by the church. Accordingly it is very rare to find in Independent deeds dated thirty years ago any directions expressed as to church members or church officers, or in those dated before the middle of the eighteenth century any reference to doctrines or formularies. The protection given by the law to worship not according to the Establishment was so entirely novel at the end of the seventeenth century, with the exception of the liberty enjoyed during the Protectorate, and until the Hanoverian succession remained so precarious, that the chief care was to provide what should be done with the chapels if the toleration were withdrawn.

It has been moreover contended that the congregational system, admitting of no control from without, devolves absolute power on the congregation, or the church, for the time being; and that provisions in trust deeds to the contrary are void, as subversive of the primary principle of the polity. As soon however as a church or congregation possesses itself permanently of a place of worship, property is gained for the public, and a public foundation must continue as constituted, unless a power of change is provided by the instrument providing it.

When it is considered how certainly, and within how short a time, a congregation attached to the old faith is driven away from a chapel of congregationalists or quasi congregationalists, without the exhibition of heterodoxy, by the mere suppression of evangelical truth, it will be seen that in every such case justice and honesty dictate an appeal to the law, if the founders have not expressly given the congregation or church for the time being the power to change the nature of the foundation.

The trustees of a chapel have no more right to permit a change of the doctrines preached in it without express authority given them by the deed, than they have to alienate it and appropriate the money to their own use. It is not merely the affair of themselves and the congregation; the founders intended to benefit the locality by the particular method of preaching the doctrines they themselves held. If it is wished to promote other opinions they should not misapply trust property, but compel the persons desiring the change to found a chapel at their own cost. This is a simple question of common honesty, freedom of opinion and the right of private judgment have nothing to do with the matter.

Mr Gordon mentions that Mr Robertson published two pamphlets respecting the Wolverhampton case, one entitled "Religious Liberty, applied to the case of the Old Meeting House, Wolverhampton;" and the other "Infringement of Religious Liberty exposed in the case of the Meeting House, John Street, Wolverhampton, in answer to the appeal of the nine Dissenting Ministers who patronized that case," and that Mr Pearson also published on the subject. None of these pieces seem to be in Dr. Daniel Williams's Library, they would have been noticed at p. 577 if they had been known.

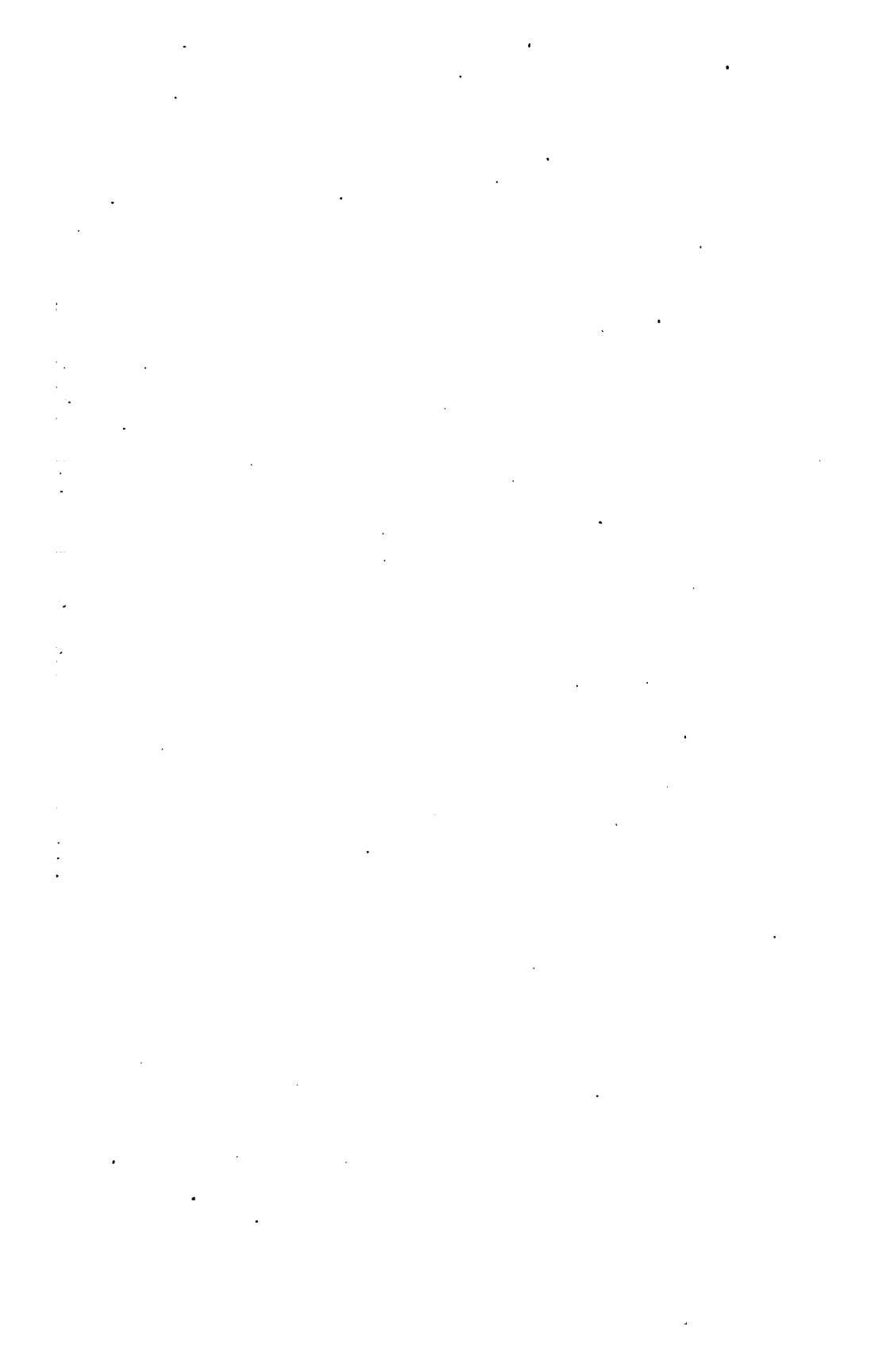
It should have been stated, p. 588, that the answer to Mr Joshua Wilson's pamphlet was entitled "English Presbyterian Charities." Mr Gordon thinks that the philosophical analysis of Mr Wilson's quotations which it contained, deprived them of all bearing on the dispute, but the passages cited in both pamphlets were reproduced at the last hearing, and the result will be found in the words of Mr Justice Coleridge, p. 354. Indeed for the most part they were the same as those given in the Proofs, and as to them the reader of this volume may satisfy himself.

Mr. Gordon publishes remarks by a friend on the lists of the Socinian Chapels given in pp. 575, 6, and at the end of his pamphlet he reprints the names in those lists, distinguishing by italics those which he considers wrongly included, and from that it would seem that the following chapels are not old Presbyterian foundations, subject however to doubt in the corrector expressed here by (?): Boston (?), Dewsbury, Diss, Halstead, Heywood, Huddersfield, Idle, Mossley, Mottram, Newark, Newchurch, Oldham, Padiham, Pudsey, Royston (?), Southampton, Stratford-le-bow, Todmorden, Accrington, Burnley, Heap Bridge near Bury, Middleton in Teesdale, Pepper Hill W. R., Salford, Swinton, Altringham, Ashford Kent, Ballast Hills Northumberland, Barnard Castle, Bedford, Cressbrook, Flagg, Gateshead, High Garratt, Oxton, Styal, Welburn, Heyrod, near Mossley. These lists were revised when Dr. Evans's manuscript had been printed, and the correction was begun alphabetically in p. 818, (Cockey Moor Ainsworth is merely a mistake in pointing), but it was not finished through mistake and accident. There are many evident errors in the remarks communicated to Mr. Gordon, which indeed, are scarcely intelligible. These circumstances may be received as excusing the faultiness of lists which were necessary to show the effects of the act.

Mr Gordon complains of the use of harsh expressions in the foregoing pages; if he had given the entire passages, readers, even if not of the Author's opinions, might have thought them not undeserved. Mr Gordon's own style of controversy is left to speak for itself.

## ADDITIONS TO ERRATA, p. 845.

P. iv., second line from bottom, for *third* read *fourth*. p. viii, l. 16, dele *even*.  
 p. 31, l. 18 from bottom, for *confessions* read *confession*. p. 38, l. 13, for *Associations*  
 read *parties*. p. 41, l. 11 from bottom, for *always* read *generally*. p. 44, l. 5 from  
 bottom, add at end in *many chapels*. p. 45, l. 5 from bottom, for *his* read *the late*  
*pastor's*. p. 46, l. 20, dele in *some degree*. p. 52, l. 8, for *denying* read *rejecting*.  
 p. 52, l. 21, dele it. p. 52, l. 27, for *habits* read *habit*. p. 57, l. 19 from bottom,  
 for *are* read *were*. p. 57, l. 17 from bottom, for *Acts* read *Act*. p. 58, l. 5 from  
 bottom, for *Fasteth* read *Toteth*. p. 61, l. 18 from bottom, for *congregations* read  
*congregation*. p. 75, l. 21 from bottom, for *says* read *is made to say*. p. 82, l. 19,  
 for *on* read *as*. p. 98, l. 12 from bottom, for *philanthropus* read *philanthropos*.  
 p. 128, l. 7, for *their Heywood* read *Oliver Heywood's*. p. 157, l. 30, for *passages*  
 read *quotation*. p. 175, l. 5 from bottom, dele *that*. p. 188, l. 25 for *they are* read *the*  
*rejection is*. p. 201, l. 15, after *yet* insert *would*. p. 203, l. 22 from bottom, for *advisors*  
 read *advisers*. p. 218, l. 14 from bottom, for *them* read *themselves*. p. 226, l. 16  
 from bottom, for *repeated* read *reported*. p. 227, l. 17, for *gives* read *uses*. p. 227,  
 l. 7 from bottom, fill up blank with 178. p. 249, l. 19, for *of* read *to*. p. 331, l. 7,  
 for *arts* read *art*. p. 366, l. 11 from bottom, for *that* read *than*. p. 367, l. 12,  
 for *the same as in* read *and*. p. 376, l. 13, add *the same, with the exception of Sir*  
*E. B. Sugden*. p. 420, l. 25, for *the minister* read *Mr Jarvis, one of the ministers*.  
 p. 424, l. 20, for *decree* read *doctrine*. p. 458, l. 8 from bottom, for *consultation* read  
*consultative*. p. 486, l. 15, for *wating* read *waiting*. p. 496, l. 15, dele *not*. p. 496,  
 l. 16, for *but* read *or*. p. 496, l. 10 from bottom, before *principles* insert *original*.  
 p. 500, l. 8, for *served* read *promoted*. p. 502, l. 26 from bottom, for *were* read *was*.  
 p. 503, l. 20 from bottom, for the second *the* read *a*. p. 505, l. 10 from bottom, before  
 to insert *so*. p. 545, l. 6, for *motion* read *notion*. p. 573, l. 18 from bottom, for  
*diaphorist* read *adiaphorist*. p. 580, l. 10, for *it* read *the first information*. p. 604,  
 l. 6, for 200 read 2000. p. 609, l. 21, for *an affidavit* read *a state of facts*. p. 624,  
 at end of l. 8 from bottom, add *father*. p. 644, l. 2, for *Bill* read *Act*. p. 644,  
 l. 17, for *Uniformity* read *Toleration*. p. 648, l. 7, before *About* insert *In*. p. 648,  
 l. 20 from bottom, for *surrounded* read *surmounted*. p. 720, l. 5 from bottom, after  
 51 insert, 1761. p. 783, l. 13 from bottom, after *told* insert *truly*. p. 785, l. 6,  
 before *which* insert *most of*. p. 798, after line 11 insert *John Locke, 1630-1704*.  
 p. 800, l. 10 from bottom, for *on* read *see*. p. 802, l. 23 from bottom, for 8th read  
 3rd. p. 805, add at end of l. 19, see 5 *Protestant Dissenter's Magazine*, 286. p. 807,  
 l. 16, for *given more at length* read *set out more fully*. p. 820, l. 16 from bottom,  
 for 663 read 632. l. 5 from bottom. p. 820, l. 4 from bottom, for *Chaplain* read  
*Clapham*. p. 828, l. 12 from bottom, for *a* read *the*; after *would* add *if the point had*  
*been taken before them*. p. 839, l. 20 from bottom, dele *either*. p. 860, at end of l.  
 22 add 828.





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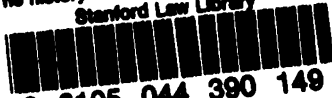


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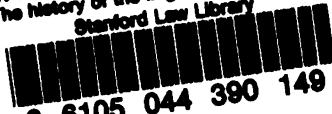
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